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NOTICE TO AGENCIES

Agencies preparing documents for publication in the FEDERAL REGISTER are reminded that the revised rules of the Administrative Committee of the Federal Register go into effect on January 3, 1973. (1 CFR Chapter I, 37 F.R. 23602, November 4, 1972.)

These revised rules include the following significant changes:

1. Requirement for a preamble in each proposed rule making and final rule making document that describes the contents of the document in a manner sufficient to apprise a reader who is not an expert in the subject area of the general subject matter of the document.
2. Requirement for setting forth specific effective dates and action dates.
3. Change in publication dates of the daily FEDERAL REGISTER (Monday through Friday instead of Tuesday through Saturday). See 1 CFR 17.2, 18.12, and 18.17.

## HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.



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**FEDERAL REGISTER**

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

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# Rules and Regulations

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

### PART 6—IMPORT QUOTAS AND FEES

### Subpart—Section 22 Import Quotas

LICENSING REGULATIONS

On December 8, 1972, proposed amendments of Import Regulation 1, Revision 5, as amended (7 CFR Part 6), were published in the FEDERAL REGISTER (37 F.R. 26119). The amendments change requirements relating to the issuance of licenses for the importation of certain cheese subject to import quotas provided for in TSUS items 950.10B, 950.10C, 950.10D, and 950.10E, so as to implement provisions of Presidential Proclamation 4138, dated June 3, 1972. A license is now required for the importation of such cheese (in general, Swiss or Emmenthaler, Gruyere-process, and "other" cheese) if the purchase price thereof is under 47 cents per pound. Beginning January 1, 1973, licenses will be required if the purchase price is under 62 cents per pound. Importers had been advised by notice published in the FEDERAL REGISTER on August 8, 1972 (37 F.R. 15945), to submit evidence to establish eligibility on a historical basis for such licenses.

Interested persons were invited to submit written comments with respect to the proposed amendments by December 15, 1972. No comments were received. The amendments, as proposed, are adopted to be effective January 1, 1973, since licenses are required by Presidential Proclamation 4138 for the importation of such articles as of that date.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Signed at Washington, D.C., this 27th day of December 1972.

RAYMOND A. IOANES,
*Administrator,*
*Foreign Agricultural Service.*

1. Section 6.26 is amended as follows:

(a) In paragraph (a) delete from the table therein the figure "5,000" and substitute in lieu thereof the figure "20,000" in the column titled "Quantity" on the respective lines for the articles described as (1) "Swiss or Emmenthaler cheese with eye formation", (2) "Swiss or Emmenthaler cheese other than with eye formation", and (3) "'Other' cheese (not from New Zealand)."

(b) In paragraph (b) in the first sentence change the comma preceding the proviso to a period and delete the remainder of the sentence.

2. Group V of Appendix 1 is amended to read as follows:

APPENDIX 1—ARTICLES SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR

| Articles[1] by TSUS item numbers | Base period[2] | Annual import quota (pounds) | Non-historical set aside (pounds) |
|---|---|---|---|
| • • • | • • • | • • • | • • • |
| Group V:[3] | | | |
| Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price[6] under 62 cents per pound. | | | |
| Swiss or Emmenthaler cheese with eye formation; Gruyere-process cheese; and cheese and substitutes for cheese containing, or processed from, such cheeses. | Jan. 1, 1967, to Dec. 31, 1967<br>Jan. 1, 1970, to Dec. 31, 1970 | | |
| Swiss or Emmenthaler with eye formation (Item 950.10B): | | | |
| Austria | | 8,222,000 | 822,200 |
| Denmark | | 3,396,000 | 339,600 |
| Finland | | 6,111,000 | 611,100 |
| Norway | | 1,672,000 | 167,200 |
| Switzerland | | 260,000 | 26,000 |
| West Germany | | 292,000 | 29,200 |
| Netherlands | | 210,000 | 21,000 |
| Israel | | 60,000 | 6,000 |
| Other | | 188,000 | 18,800 |
| Other than Swiss or Emmenthaler with eye formation (Item 950.10C): | | | |
| Austria | | 1,406,000 | 140,600 |
| Denmark | | 3,435,000 | 343,500 |
| Finland | | 1,606,000 | 160,600 |
| Switzerland | | 2,234,000 | 223,400 |
| West Germany | | 1,818,000 | 181,800 |
| Ireland | | 210,000 | 21,000 |
| Norway | | 82,000 | 8,200 |
| Portugal | | 275,000 | 27,500 |
| Other | | 176,000 | 17,600 |
| Cheeses and substitutes for cheese provided for in items 117.75 and 117.85, part 4C, schedule 1 (except cheese not containing cow's milk; cheese, except cottage cheese, containing 0.5 percent or less by weight of butterfat), and articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10D): | Jan. 1, 1967, to Dec. 31, 1967<br>Jan. 1, 1970, to Dec. 31, 1970 | | |
| Belgium | | 460,000 | 46,000 |
| Denmark | | 16,820,000 | 1,682,000 |
| Finland | | 1,239,000 | 123,900 |
| France | | 2,832,000 | 283,200 |
| Iceland | | 640,000 | 64,000 |
| Ireland | | 161,000 | 16,100 |
| Netherlands | | 422,000 | 42,200 |
| Norway | | 356,000 | 35,600 |
| Poland | | 2,064,000 | 206,400 |
| Sweden | | 1,707,000 | 170,700 |
| Switzerland | | 215,000 | 21,500 |
| United Kingdom | | 436,000 | 43,600 |
| West Germany | | 2,148,000 | 214,800 |
| New Zealand | | 7,556,000 | 1,889,000 |
| Canada | | 2,670,000 | 267,000 |
| Portugal | | 227,000 | 22,700 |
| Austria | | 199,000 | 19,900 |
| Italy | | 17,000 | 1,700 |
| Israel | | 145,000 | 14,500 |
| Other | | 283,000 | 28,300 |
| Cheese and substitutes for cheese, containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, Part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States (Item 950.10E): | July 1, 1969, to June 30, 1970 | | |
| Denmark | | 6,630,000 | 663,000 |
| United Kingdom | | 791,000 | 79,100 |
| Ireland | | 750,000 | 75,000 |
| West Germany | | 100,000 | 10,000 |
| Poland | | 335,000 | 33,500 |
| Australia | | 123,000 | 12,300 |
| Iceland | | 64,200 | 6,420 |
| Other | | None | None |
| • • • | • • • | • • • | • • • |

3. Footnote 2 to Appendix 1 is amended by adding thereto the following sentence:

For TSUS Items Nos. 950.10B, 950.10C, and 950.10D each importer's quota share is a combination of his quota share determined for the respective cheese priced under 47 cents per pound (1967 base period) and a quota share determined on the basis of imports of the respective cheese priced from 47 cents to 62 cents per pound during the 1970 base period.

4. Footnote 6 is added to Appendix 1 which reads as follows:

"Purchase price," in accordance with headnote 3(a)(iii) of Part 3 of the Appendix to the Tariff Schedules of the United States, is determined by the District Director of Customs on the basis of the aggregate price received by the exporter, including all expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, but excluding transporta-

tion, insurance, duty, and other charges incident to bringing the merchandise from the place of shipment from the country of exportation to the place of delivery in the United States.

[FR Doc.72-22434 Filed 12-29-72;8:46 am]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Expenses and Rate of Assessment

On December 15, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 26736), regarding proposed expenses and the related rate of assessment for the period August 1, 1972, through July 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 905.211 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1972, through July 31, 1973, will amount to $148,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at $0.005 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1972, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 27, 1972.

PAUL A. NICHOLSON,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-22437 Filed 12-29-72;8:45 am]

[Lemon Reg. 566]

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### Limitation of Handling

§ 910.866 Lemon Regulation 566.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The commitee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 26, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 31, 1972, through January 6, 1973, is hereby fixed at 175,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 27, 1972.

PAUL A. NICHOLSON,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-22449 Filed 12-29-72;11:28 am]

[Grapefruit Reg. 87]

## PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

### Limitation of Handling

§ 912.387 Grapefruit Regulation 87.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective

as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 27, 1972.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 1, 1973, through January 7, 1973, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1972.

PAUL A. NICHOLSON,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-22451 Filed 12-29-72;12:07 pm]

## PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

### Expenses and Rate of Assessment

On December 12, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 26428) regarding proposed expenses and the related rate of assessment for the period August 1, 1972, through July 31, 1973, pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Grapefruit Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 913.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee during the period August 1, 1972, through July 31, 1973, will amount to $29,050.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 913.31, is fixed at $0.005 per standard packed box of grapefruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Shipments of grapefruit are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (3) such period began on August 1, 1972, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 27, 1972.

PAUL A. NICHOLSON,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-22436 Filed 12-29-72;8:45 am]

[Grapefruit Reg. 53]

## PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

### Limitation of Handling

§ 913.353 Grapefruit Regulation 53.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendaton of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 27, 1972.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period January 1, 1973, through January 7, 1973, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: December 29, 1972.

PAUL A. NICHOLSON,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.72-22450 Filed 12-29-72;12:07 pm]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

### SUBCHAPTER A—MANDATORY MEAT INSPECTION

## PART 327—IMPORTED PRODUCTS

### Eligibility of British Honduras for Importation of Meat Products into the United States

On November 7, 1972, there was published in the FEDERAL REGISTER (37 F.R.

23652) a notice of a proposal to amend § 327.2 of the Federal Meat Inspection Regulations (9 CFR Part 327), to change paragraph (b) of that section to include the words "British Honduras" in alphabetical order in the list of countries specified therein from which certain products (meat, meat food products, and meat by-products) may be imported into the United States as provided in said regulations.

After due consideration of all relevant matters in connection with the notice of proposed rule making and under the authority of the Federal Meat Inspection Act (34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.), the list of countries in § 327.2(b) is hereby amended by adding the country of British Honduras in alphabetical order as set forth below.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

This amendment relieves restrictions and shall become effective upon publication in the FEDERAL REGISTER, (12-30-72).

Done at Washington, D.C., on December 21, 1972.

RICHARD E. LYNG,
*Assistant Secretary.*

**§ 327.2 Eligibility of foreign countries for importation of product into the United States.**

* * * * *

(b) It has been determined that product of cattle, sheep, swine, and goats from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists as provided in Part 94 of this title, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking as required by the applicable provisions of this part.

Argentina.
Australia.
Austria.
Belgium.
Brazil.
British Honduras.
Bulgaria.
Canada.
Colombia.
Costa Rica.
Czechoslovakia.
Denmark.
Dominican Republic.
El Salvador.
England and Wales.
Finland.
France.
Germany (Federal Republic).
Guatemala.
Haiti.
Honduras.
Hungary.
Iceland.
Ireland (Eire).
Italy.
Japan.
Luxembourg.
Mexico.
Netherlands.
New Zealand.
Nicaragua.
Northern Ireland.
Norway.
Panama.
Paraguay.
Poland.
Romania.
Scotland.
Spain.
Sweden.
Switzerland.
Trust Territory of the Pacific Islands.
Uruguay.
Venezuela.
Yugoslavia.

* * * * *

[FR Doc.72-22411 Filed 12-29-72;8:48 am]

# Title 12—BANKS AND BANKING

## Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 72-1530]

## PART 561—DEFINITIONS

### Scheduled Items Requirements

DECEMBER 26, 1972.

The Federal Home Loan Bank Board, in F.R. Doc. 72-1265, dated October 31, 1972, proposed to amend § 561.15 of the rules and regulations for insurance of accounts (12 CFR 561.15) to provide an exception to the requirement of § 561.15(d)(1) that insured institutions include as scheduled items 100 percent of the amount of certain loans and sales contracts having remaining periods to maturity in excess of the maximum term permitted by otherwise applicable regulations, or, in the absence thereof, in excess of 30 years. Insured institutions would be required to include—under certain conditions—only 20 percent of the amount of such loans and sales contracts. The Board also proposed to add a parenthetical phrase to § 561.15(d)(2)(iii) providing that "all contractually required payments" includes payments for insurance and taxes, whether or not in escrow.

Notice of such proposed rule making was duly published in the FEDERAL REGISTER on November 14, 1972 (37 F.R. 24122) with an invitation for interested persons to submit written comments thereon by December 11, 1972.

On the basis of its consideration of all relevant material presented by interested persons or otherwise available, the Board on December 26, 1972, adopted the amendment to subparagraph (1) and subdivision (iii) of subparagraph (2) of paragraph (d) of said § 561.15 as so proposed and published, without change, as set forth below.

Since the amendment, in part, relieves restriction and, in part, interprets present provisions, publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment is not required and the Board provided that said amendment will become effective on December 29, 1972.

**§ 561.15 Scheduled items.**

The term "scheduled items" means:

* * * * *

(d) Loans secured by, and contracts for the sale of, real estate described in paragraph (c) of this section and real estate previously owned or held by an insured institution for development or investment purposes (other than insured loans, guaranteed loans, or contracts or loans having the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation) during the period that such loans or contracts—

(1) Have remaining periods to the expiration of their terms in excess of the maximum terms permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 30 years; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

(i) The real estate securing the loan or sold under the contract is residential real estate (as defined in § 563.9-1(d)(2) of this subchapter);

(ii) The loan or contract requires equal, or substantially equal, regular monthly payments which include both principal and interest, sufficient to amortize the entire debt, principal and interest, within the term of the loan or contract;

(iii) All contractually required payments (including payments for insurance and taxes, whether or not in escrow) have been made for a continuous period of 60 months without a delay of more than 30 days in the making of any one of the last 12 of such payments;

(iv) The loan or contract has a remaining term of not more than 35 years; and

(v) An officer of the insured institution owning such loan or contract and an appraiser who meets the requirements of paragraph (a) of § 563.10 of this subchapter have certified (as of the time such loan or contract last became eligible for this exceptional treatment) to the effect that: (1) The real estate securing the loan or sold under the contract has an economic life commensurate with the remaining term of such loan or contract and has a current value in an amount sufficient to protect such insured institution against loss on such loan or contract if the borrower or purchaser ceases to make payments on such loan or contract and (2) the value of the real estate securing the loan or sold under the contract has not decreased during the immediately preceding 3-year period of time and the expected trend is not downward; or

(2) Have unpaid principal balances in excess of the maximum amounts permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 90 percent of the value of the real estate securing such loans or sold under such contracts; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

* * * * *

(iii) All contractually required payments (including payments for insurance and taxes, whether or not in escrow) have been made for a continuous period of 36 months without a delay of more than 30 days in the making of any one of the last 12 of such payments.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[FR Doc.72-22439 Filed 12-29-72;8:45 am]

# Title 13—BUSINESS AND CREDIT ASSISTANCE

## Chapter I—Small Business Administration

[Amdt. 16]

## PART 101—ADMINISTRATION

### Miscellaneous Amendments

The Administrative Procedures Act (5 U.S.C. 552) requires publication in the FEDERAL REGISTER for the guidance of the public a description of an agency's central and field offices where, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions. Section 101.3–1 of Part 101 is hereby revised to update the list of field offices and § 101.4 is hereby also revised to delete the listing of the numerous forms used in SBA for various purposes since these are available from any of the offices listed in the preceding section. Part 101 is hereby amended as set forth below.

Effective date: December 15, 1972.

Dated: December 19, 1972.

THOMAS S. KLEPPE,
*Administrator.*

Section 101.3–1 is revised to read as follows:

§ 101.3–1 Listing of field offices.

(a) *Region I.* Regional Office, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. Serving Massachusetts and having jurisdiction over the following district offices and post-of-duty station:

(1) 326 Appleton Street,[1] Holyoke, MA 01040. Serving Massachusetts counties of Berkshire, Franklin, Hampden, and Hampshire.

(2) 40 Western Avenue, Augusta, ME 04330. Serving Maine.

(3) 55 Pleasant Street, Concord, NH 03301. Serving New Hampshire.

(4) 450 Main Street, Hartford, CT 06103. Serving Connecticut.

(5) 87 State Street, Montpelier, VT 05601. Serving Vermont.

(6) 57 Eddy Street, Providence, RI 02903. Serving Rhode Island.

(b) *Region II.* Regional Office, 26 Federal Plaza, New York, NY 10007. Serving New York counties of Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester, and having jurisdiction over the following district and branch offices:

(1) 970 Broad Street, Newark, NJ 07102. Serving New Jersey.

(2) Hunter Plaza, Fayette and Salina Streets, Syracuse, N.Y. 13202. Serving New York counties of Allegany, Albany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Cortland, Erie, Essex, Franklin, Fulton, Genese, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, St. Lawrence, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates.

(3) 111 West Huron Street,[2] Buffalo, NY 14202. Serving New York counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

(4) 1051 South Maine Street,[2] Elmira, NY 14904. Serving New York counties of Broome, Chemung, Schuyler, Steuben, Tioga, and Tompkins.

(5) 112 State Street,[2] Albany, NY 12207. Serving New York counties of Albany, Rensselaer, Saratoga, Schenectady, Scholharie, Warren, and Washington.

(6) 55 St. Paul Steet, Rochester, NY 14604. Serving New York counties of Livingston, Monroe, Ontario, Seneca, Wayne, and Yates.

(7) 255 Ponce de Leon Avenue, Hato Rey, PR 00919. Serving the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

(c) *Region III.* Regional Office, 1 Decker Square, East Lobby, Bala Cynwyd, PA 19004. Serving Delaware and the Pennsylvania counties of Adams, Berks, Bradford, Bucks, Carbon, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York, and having jurisdiction over the following district and branch offices:

(1) Miller Furniture Building, 7–11 Market Square,[4] Harrisburg, PA 17108. Serving Pennsylvania counties of Adams, Clinton, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Potter, Snyder, Union, Tioga, and York.

(2) 34 South Main Street,[4] Wilkes-Barre, PA 18703. Serving the Pennsylvania counties of Bradford, Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Wayne, and Wyoming.

(3) Sixth and King Streets,[4] Wilmington, Dela. 19801. Serving Delaware.

(4) 31 Hopkins Plaza, Baltimore, MD 21201. Serving Maryland, except the counties of Montgomery and Prince Georges.

(5) 109 North Third Street, Clarksburg, WV 26301. Serving West Virginia.

(6) Charleston National Bank,[2] Charleston, W. Va. 25301. Serving West Virginia counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming.

(7) 1000 Liberty Avenue, Pittsburgh, PA 15222. Serving Pennsylvania counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland.

(8) 400 North Eighth Street, Richmond, VA 23240. Serving Virginia, except the counties of Arlington, Fairfax, and Loudoun.

(9) 1310 L Street NW., Washington, DC 20417. Serving the District of Columbia; Maryland counties of Montgomery and Prince Georges; and Virginia counties of Arlington, Fairfax, and Loudoun.

(d) *Region IV.* Regional Office, 1401 Peachtree Street NE., Atlanta, GA 30309. Serving Georgia and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 908 South 20th Street, Birmingham, AL 35205. Serving Alabama.

(2) 222 South Church Street, Charlotte, NC 28202. Serving North Carolina.

(3) 1801 Assembly Street, Columbia SC 29201. Serving South Carolina.

(4) Petroleum Building, Suite 690, Pascagoula and Amite Streets, Jackson, Miss. 39205. Serving Mississippi.

(5) 2500 14th Street,[2] Gulfport, MS 39501. Serving Mississippi counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Pearl River, Perry, and Stone.

(6) 400 West Bay Street, Jacksonville, FL 32202. Serving Florida counties of Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holms, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassua, Okaloosa, Orange, Putnam, Santa Rosa, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

(7) 600 Federal Place, Louisville, KY 40202. Serving Kentucky.

(8) 51 Southwest First Avenue, Miami, FL 33130. Serving Florida counties of Brevard, Broward, Charlotte, Collier, Date, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, St. Lucie, Sarasota, and Florida Keys.

[1] Denotes post-of-duty station under regional office.

[2] Denotes branch office under district office.

[3] Denotes post-of-duty station under district office.

[4] Denotes branch office under regional office.

(9) 500 Zack Street,[3] Tampa, FL 33602. Serving Florida counties of Hillsborough, Pinellas, Polk, and Pasco. (Circuit rider to Manatee and Hendry.)

(10) 500 Union Street, Nashville, TN 37219. Serving Tennessee.

(11) 502 Gay Street,[2] Knoxville, TN 37902. Serving Tennessee counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicoi, Union, and Washington.

(12) 167 North Main Street,[3] Memphis, TN 38103. Serving Tennessee counties of Fayette, Hardeman, Haywood, Lauderdale, Shelby, and Tipton.

(e) *Region V.* Regional Office, 219 South Dearborn Street, Chicago, IL 60604. Serving Illinois and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 502 East Monroe Street,[4] Springfield, IL 62701. Serving Illinois counties of Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Fulton, Gallatin, Greene, Hamilton, Hancock, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Massac, Menard, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson.

(2) 1240 East Ninth Street, Cleveland, OH 44199. Serving Ohio counties of Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Harrison, Huron, Jefferson, Lake, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Sandusky, Stark, Summit, Trumbull, Tuscarawas, Wayne, and Wood.

(3) 50 West Gay Street, Columbus, OH 43215. Serving Ohio counties of Adams, Allen, Ashland, Athens, Auglaize, Belmont, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Gallia, Greene, Guernsey, Hamilton, Hancock, Hardin, Henry, Highland, Hocking, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Richland, Ross, Scioto, Seneca, Shelby, Union, Van Wert, Vinton, Warren, Washington, Williams, and Wyandot.

(4) 550 Main Street,[2] Cincinnati, OH 45202. Serving Ohio counties of Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Montgomery, Preble, and Warren.

(5) 1249 Washington Boulevard, Detroit, MI 48226. Serving Michigan.

(6) 201 McClellan Street,[2] Marquette, MI 49855. Serving the Upper Peninsula of Michigan.

(7) 36 South Pennsylvania Street, Indianapolis, IN 46204. Serving Indiana.

(8) 122 West Washington Avenue, Madison, WI 53703. Serving Wisconsin counties of Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Door, Douglas, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Milwaukee, Monroe, Oconto, Oneida, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

(9) 735 West Wisconsin Avenue,[2] Milwaukee, WI 53233. Serving Wisconsin counties of Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha.

(10) 510 South Barstow Street,[3] Eau Claire, WI 54701. Serving Wisconsin counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Lincoln, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas, and Washburn.

(11) 12 South Sixth Street, Minneapolis, MN 55402. Serving Minnesota.

(f) *Region VI.* Regional Office, 1100 Commerce Street, Dallas, TX 75202. Serving Texas counties of Anderson, Archer, Baylor, Bell, Bosque, Brown Callahan, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Limestone, McLennan, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Rockwall, Shackelford, Somervell, Stephens, Tarrant, Throckmorton, Van Zandt, Wichita, Wilbarger, Wise, and Young, and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 500 Gold Avenue SW., Albuquerque, NM 87101. Serving New Mexico.

(2) 1015 El Paso Road,[3] Las Cruces, NM 88001. Serving New Mexico counties of Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, and Sierra.

(3) 808 Travis Street, Houston, TX 77002. Serving Texas counties of Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Trinity, Tyler, Waller, Walker, Washington, and Wharton.

(4)) 600 West Capitol Avenue, Little Rock, AR 72201. Serving Arkansas, except Columbia, Lafayette, and Miller counties.

(5) 1205 Texas Avenue, Lubbock, TX 79408. Serving Texas counties of Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Reagan, Roberts, Runnels, Scurry, Sherman, Sterling, Stonewall, Swisher, Taylor, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum.

(6) 219 East Jackson Street, Lower Rio Grande Valley, TX 78550. Serving Texas counties of Aransas, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, San Patricio, Starr, Willacy, and Zapata.

(7) 3105 Leopard Street,[3] Corpus Christie, TX 78408. Serving Texas counties of Aransas, Brooks, Kleberg, Nueces, and San Patricio.

(8) 505 East Travis Street, Marshall, TX 75670. Serving Arkansas counties of Columbia, Lafayette, and Miller; Texas counties of Bowie, Camp, Cass, Cherokee, Franklin, Gregg, Harrison, Marion, Morris, Nacogdoches, Panola, Red River, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, and Wood; Louisiana parishes of Vienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster.

(9) 1001 Howard Avenue, New Orleans, LA 70113. Serving Louisiana, except Bienville, Bossier, Caddo, Claiborne, De Soto, Red River, and Webster parishes.

(10) 30 North Hudson Street, Oklahoma City, OK 73102. Serving Oklahoma.

(11) 301 Broadway, San Antonio, TX 78205. Serving Texas counties of Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Burnet, Caldwell, Calhoun, Comal, Concho, Crockett, Culberson, De Witt, Dimmit, Edwards, El Paso, Fayette, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hudspeth, Irion, Jackson, Jeff Davis, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, Loving, Mason, Maverick, McCulloch, McMullen, Medina, Menard, Pecos, Presidio, Real, Reeves, Refugio, San Saba, Schleicher, Sutton, Terrell, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Williamson, Wilson, and Zavala.

(12) 109 North Oregon Street,[3] El Paso, TX 79901. Serving Texas counties of Brewster, Culberson, El Paso, Hudspeth, Jaff Davis, Loving, Pecos, Presidio, Reeves, and Terrell.

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[2] Denotes branch office under district office.

[3] Denotes post-of-duty station under district office.

[4] Denotes branch office under regional office.

(g) *Region VII.* Regional Office, 911 Walnut Street, Kansas City, MO 64106. Serving Kansas counties of Allen, Anderson, Atchison, Bourbon, Brown, Cherokee, Coffey, Crawford, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Marshall, Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Shawnee, Wilson, Woodson, and Wyandotte; and Missouri counties of Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, Macon, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright; and having jurisdiction over the following district offices.

(1) 210 Walnut Street, Des Moines, IA 50309. Serving Iowa.

(2) 215 North 17th Street, Omaha, NE 68102. Serving Nebraska.

(3) 210 North 12th Street, St. Louis, MO 63101. Serving Missouri counties of Audrain, Bollinger, Butler, Callaway, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, St. Louis City, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne.

(4) 120 South Market Street, Wichita, KS 67202. Serving Kansas counties of Barber, Barton, Butler, Chase, Chautauqua, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickinson, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wichita.

(h) *Region VIII.* Regional Office, 721 19th Street, Denver, CO 80202. Serving Colorado, and having jurisdiction over the following district offices.

(1) 100 East B Street, Casper, WY 82601. Serving Wyoming.

(2) 653 Second Avenue North, Fargo, ND 58102. Serving North Dakota.

(3) Power Block Building, Corner Main and Sixth Avenue, Helena, Mont. 59601. Serving Montana.

(4) 125 South State Street, Salt Lake City, UT 84111. Serving Utah.

(5) National Bank Building, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102. Serving South Dakota.

(6) Donaldson Building, 627 St. Joe Street,[2] Rapid City, SD 57701. Serving South Dakota counties of Buhe, Custer, Fall River, Lawrence, Meads, Pennington, and Shannon.

(i) *Region IX.* Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102. Serving California, except the counties of Imperial, Inyo, Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura, and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 1130 O Street,[2] Fresno, CA 93721. Serving California counties of Fresno, Kern (W. Pat.), Kings, Madera, Merced, and Tulare.

(2) 1149 Bethel Street, Honolulu, HI 96813. Serving Hawaii and American Samoa.

(3) Ada Plaza Center Building,[2] Agana, Guam 96910. Serving Guam and the Trust Territory of the Pacific Islands.

(4) 849 South Broadway, Los Angeles, CA 90014. Serving California counties of Kern (E. Pt.), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura.

(5) 300 Las Vegas Boulevard South,[2] Las Vegas, NV 89101. Serving Nevada and the California county of Inyo.

(6) 112 North Central Avenue, Phoenix, AZ 85004. Serving Arizona.

(7) 110 West C Street, San Diego, CA 92101. Serving California counties of Imperial and San Diego.

(j) *Region X.* Regional Office, 710 Second Avenue, Seattle, WA 98104. Serving Washington counties of Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima, and having jurisdiction over the following district and branch offices and post-of-duty stations:

(1) 1016 West Sixth Avenue, Anchorage, AK 99501. Serving Alaska election districts of Ketchikan-Prince of Wales, Wrangell-Petersburg, Sitka, Juneau, Yakutat, Cordova-Valdez, Palmer, Anchorage, Seward, Kenai, Kodiak, Aleutian Islands, Bristol Bay, Bethel, Nome, and Wade Hampton.

(2) 503 Third Avenue,[2] Fairbanks, AK 99701. Serving Alaska election districts of Barrow-Kobuk, Fairbanks-Yukon, and Yukon-Kuskokwim.

(3) 216 North Eighth Street, Boise, ID 83701. Serving Idaho, except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, and serving Oregon counties of Baker, Grant, Harney Malheur, Union, and Wallowa.

(4) 921 Southwest Washington Street, Portland, OR 97205. Serving Oregon, except Baker, Grant, Harney, Malheur, Union, and Wallowa counties; and serving Washington counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

(5) Court House Building, Room 651, Spokane, Wash. 99210. Serving Washington counties of Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman; and Idaho counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah Lewis, Nez Perce, and Shoshone.

Section 104.1 is revised to read as follows.

§ 104.1 SBA forms for public use.

SBA forms used by the public when applying for or obtaining SBA assistance or when providing services for SBA are available in all field offices. See § 101.3–1.

[FR Doc.72-22422 Filed 12-29-72;8:47 am]

[1] Denotes post-of-duty station under regional office.

[2] Denotes branch office under district office.

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

## PART 200—POLICIES, SERVICES, PROCEDURES, AND FEES

### WWV–WWVH–WWVB Broadcasts

Standard time and frequency stations WWV and WWVH, operated by the National Bureau of Standards, U.S. Department of Commerce, revised the formats of their broadcasts on July 1, 1971, and on January 1, 1972.

The revision that occurred on July 1, 1971, reflected a modernization of these broadcasts to provide a more useful service to the many thousands of users located throughout the world. These revisions were based upon the results of a national user survey that was conducted in fiscal year 1967. Content only of these broadcasts was changed; the carrier frequencies remained the same.

Beginning January 1, 1972, the time scale commonly used throughout the world and known as UTC (coordinated universal time, also called G.m.t., or Greenwich mean time) had undergone several changes by international agreement and were implemented into the broadcasts of WWV and WWVH. The previous offset (300 parts in $10^{12}$) from atomic frequency was eliminated, and step adjustments are presently made in increments of 1 second instead of 0.1 second. The reason for the changes is the continued improvement in accuracy and reliability of atomic time scales.

This revision becomes effective upon publication in the FEDERAL REGISTER (12–30–72).

Therefore, § 200.108 is amended to read as follows:

§ 200.108 WWV – WWVH – WWVB broadcasts.

(a) *Technical services.* The National Bureau of Standards radio stations WWV

at Fort Collins, Colo., and WWVH on the island of Kauai, Hawaii, broadcast a number of technical services continuously night and day. These services are: (1) Standard radio frequencies, 2.5, 5, 10, 15, 20, and 25 MHz (WWV) and 2.5, 5, 10, 15, and 20 MHz (WWVH); (2) standard time signals; (3) time intervals; (4) UT1 corrections; (5) standard audio frequencies; (6) standard musical pitch; (7) a slow time code; (8) propagation forecasts; (9) geophysical alerts; and (10) storm warnings. The NBS also broadcasts time and frequency signals from its low frequency station, WWVB, also located at Fort Collins, Colo.

(b) *Time announcements.* Once per minute voice announcements are made from WWV and WWVH. The two stations are distinguished by a female voice from WWVH and a male voice from WWV. The WWVH announcement occurs first, at 15 seconds before the minute, while the WWV announcement occurs at 7½ seconds before the minute. Greenwich mean time (sometimes referred to as UT) is used in these announcements. The actual time scale is known as coordinated universal time (UTC).

(c) *Time corrections.* The UTC time scale operates on atomic frequency, but by means of step adjustments is made to approximate the astronomical UT1 scale. It may disagree from UT1 by as much as 0.7 second before step adjustments of exactly 1 second are made. These adjustments, or leap seconds are required about once per year and will usually be made on December 31 or June 30. For those who need astronomical time more accurately than 0.7 second, a correction to UTC is encoded by the use of double ticks after the start of each minute. The first through the seventh seconds ticks will indicate a "plus" correction, and from the ninth through the 15th a "minus" correction (the eighth is not used). The correction is determined by counting the number of double ticks. For example, if the first, second, and third ticks are doubled, the correction is "plus" 0.3 second. If the ninth, 10th, 11th, and 12th ticks are doubled, the correction is "minus" 0.4 second.

(d) *Standard time intervals.* An audio pulse (5 cycles of 1000 Hz on WWV and 6 cycles of 1200 Hz on WWVH), resembling the ticking of a clock, occurs each second of the minute except on the 29th and 59th seconds. Each of these millisecond second pulses occur within a 40-millisecond period, wherein all other modulation (voice or tone) is removed from the carrier. These pulses begin 10 milliseconds after the modulation interruption. A long pulse (0.8 second) marks the beginning of each minute.

(e) *Standard frequencies.* All carrier and audio frequencies occur at their nominal values according to the International System of Units (SI) (not offset as in the past). For periods of 45-second duration, either 500-Hz or 600-Hz audio tones are broadcast in alternate minutes during most of each hour. A 440-Hz tone, the musical pitch A above middle C, is broadcast once per hour near the beginning of the hour.

(f) *Accuracy and stability.* The time and frequency broadcasts are controlled by the NBS atomic frequency standards, which realize the internationally defined cesium resonance frequency with an accuracy of 2 parts in $10^{12}$. The frequencies transmitted by WWV and WWVH are held stable to better than $\pm 2$ parts in $10^{11}$ at all times. Deviations at WWV are normally less than 1 part in $10^{12}$ from day to day. Incremental frequency adjustments not exceeding 1 part in $10^{11}$ are made at WWV as necessary. Frequency adjustments made at WWVH do not exceed 2 parts in $10^{11}$. Changes in the propagation medium (causing Doppler effect, diurnal shifts, etc.) result in fluctuations in the carrier frequencies as received which may be very much greater than the uncertainties described above.

(g) *Slow time code.* A modified IRIG H time code occurs continuously on a 100-Hz subcarrier. The format is 1 pulse per second with a 1-minute time frame. It gives day of the year, hours, and minutes in binary coded decimal form.

(h) *Propagation forecasts.* These occur in voice at the 14th minute of each hour from WWV. They are short-term forecasts of propagation conditions along North Atlantic paths such as Washington, D.C., to London, England, along with a description of current geomagnetic activity, and are provided by the Telecommunications Services Center, Office of Telecommunications, Boulder, Colo. 80302. The format consists of the statement: "The radio propagation quality forecast at _____ (one of the following times: 0100, 0700, 1300, or 1900 UT) is _____" (one of the following adjectives: Excellent, very good, good, fair to good, fair, poor to fair, poor, very poor, or useless). This statement is followed by: "Current geomagnetic activity is _____" (one of the following characterizations: Quiet, unsettled, or disturbed).

(i) *Geophysical alerts.* These occur in voice at the 18th minute of each hour from WWV and at the 45th minute from WWVH. They point out outstanding events which are in process, followed by a summary of selected solar and geophysical events in the past 24 hours. They are provided by the Space Environment Laboratory, National Oceanic and Atmospheric Administration, Boulder, Colo. 80302.

(j) *Storm information.* These will cover the waters of the Atlantic from WWV and the Pacific from WWVH and are given at the 10th and 12th minute of each hour from WWV and at the 49th and 51st minute of each hour from WWVH. Times of issue are 0500, 1100, 1600, and 2300 UT from WWV, and 0000, 0600, 1200, and 1800 UT from WWVH. They are prepared by the National Weather Service, Silver Spring, Md. 20910.

(k) *"Silent" periods.* These are periods with no tone modulation during which the carrier, seconds ticks, minute time announcements, and 100 Hz modified IRIG H time code continue. They occur during the 16th through the 20th minute on WWVH and the 46th through the 50th minute on WWV.

(l) *WWVB.* This station (antenna coordinates 40°40'28.3" N., 105°02'39.5" W.; radiated power 12 kw.) broadcasts on 60 kHz. Its time scale is the same as for WWV and WWVH, and its frequency accuracy and stability are the same. Its entire format consists of a 1 pulse per second special binary time code giving minutes, hours, days, and the correction between its UTC time scale and UT1 astronomical time. Identification of WWVB is made by its unique time code and a 45° carrier phase shift which occurs for the period between 10 minutes and 15 minutes after each hour. The useful coverage area of WWVB is within the continental United States. Propagation fluctuations are much less with WWVB than with high-frequency reception, permitting frequency comparisons to be made to a few parts in $10^{11}$ per day.

(m) *WWVL.* This station (antenna coordinates 40°40'51.3" N., 105°03'00.0" W.; radiated power 2 kw.) usually broadcasts on 19.9 and 20.0 kHz. Effective 0000 hours UTC, July 1, 1972, all transmissions were curtailed, and depending upon need, this station will broadcast on an experimental and intermittent basis only.

(n) *Special Publication 236.* This publication describes in detail the standard frequency and time service of the National Bureau of Standards. Single copies may be obtained upon request from the National Bureau of Standards, Boulder, Colo. 80302. Quantities may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at 15 cents per copy.

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

PETER P. VIEZBICKE,
*Chief, Frequency-Time Broadcast Services Section, Time and Frequency Division.*

[FR Doc.72-22405 Filed 12-29-72;8:45 am]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER A—INCOME TAX

[T.D. 7244]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

### PART 301—PROCEDURE AND ADMINISTRATION

### Consolidated Return Regulations; Cross-references

In order to conform certain cross-references in the regulations under chapter I, title 26 to the regulations under section 1502 of the Internal Revenue Code of 1954, and to make miscellaneous amendments to the regulations under section 1502, the income tax regulations (26 CFR Part 1) and the procedure and

administration regulations (26 CFR Part 301) are hereby amended as follows:

A. Part 1 of 26 CFR chapter I is amended as follows.

PARAGRAPH 1. Section 1.167(c)–1 is amended by revising paragraph (a)(5) to read as follows:

§ 1.167(c)–1 Limitations on methods of computing depreciation under section 167(b) (2), (3), and (4).

(a) *In general.* * * *

(5) See §§ 1.1502–12(g) and 1.1502–31 for provisions dealing with depreciation of property received by a member of an affiliated group from another member of the group during a consolidated return period.

* * * * *

PAR. 2. Section 1.172–9 is amended by revising the last sentence of paragraph (a)(2) to read as follows:

* * *

§ 1.172–9 Net operating loss carrybacks in case of certifications under the Trade Expansion Act of 1962.

(a) *Eligibility for 5-year carryback.* * * *

(2) *Taxpayer must sustain net operating loss.* * * * For rules applicable in determining the extent to which a net operating loss of a member of an affiliated group of corporations making or required to make a consolidated return may be carried back 5 years, see § 1.1502–21(b)(2)(ii).

* * * * *

PAR. 3. Section 1.441–1 is amended by revising paragraph (d) to read as (b)(3) to read as follows.

§ 1.441–1 Period for computation of taxable income.

* * * * *

(b) *Taxable year.* * * *

(3) * * * For rules applicable to the taxable year of a member of an affiliated group which makes a consolidated return, see § 1.1502–76 and paragraph (d) of § 1.442–1.

* * * * *

PAR. 4. Section 1.442–1 is amended by revising paragraph (d) to read as follows:

§ 1.442–1 Change of annual accounting period.

* * * * *

(d) *Special rule for change of annual accounting period by subsidiary corporation.* A subsidiary corporation which is required to change its annual accounting period under § 1.1502–76, relating to the taxable year of members of an affiliated group which file a consolidated return, need not file an application on Form 1128 with respect to such change.

* * * * *

PAR. 5. Section 1.443–1 is amended by revising the last sentence of paragraph (a)(1) and by revising paragraph (b)(1)(iii) to read as follows:

§ 1.443–1 Returns for periods of less than 12 months.

(a) *Returns for short period.* * * *

(1) *Change of annual accounting period.* * * *

For rules applicable to a subsidiary corporation which becomes a member of an affiliated group which files a consolidated return, see § 1.1502–76.

* * * * *

(b) *Computation of tax for short period on change of annual accounting period*—(1) *General rule.* * * *

(iii) For method of computation of income for a short period in the case of a subsidiary corporation required to change its annual accounting period to conform to that of its parent, see § 1.1502–76(b).

* * * * *

PAR. 6. Section 1.531–1 is amended by revising the second sentence to read as follows.

§ 1.531–1 Imposition of tax.

* * * In the case of an affiliated group which makes or is required to make a consolidated return see § 1.1502–2(d). * * *

§ 1.535–1 [Amended]

PAR. 7. Section 1.535–1 is amended by deleting the third sentence of paragraph (a).

§ 1.535–3 [Amended]

PAR. 8. Section 1.535–3 is amended by deleting the last sentence of paragraph (a).

§ 1.882–1 [Amended]

PAR. 9. Section 1.882–1 is amended by deleting the last sentence of paragraph (a)(6).

§ 1.1341–1 [Amended]

PAR. 10. Section 1.1341–1 is amended by deleting "§ 1.1502–2" and inserting in lieu thereof "§ 1.1502–2A" in paragraphs (f)(2)(i) and (ii).

§ 1.1502–75 [Amended]

PAR. 11. Section 1.1502–75 is amended by deleting the second sentence of paragraph (h)(2).

PAR. 11a. Section 1.1502–76 is amended by revising paragraph (a)(2) to read as follows:

§ 1.1502–76 Taxable year of members of group.

(a) *Taxable year of members of group.* * * *

(2) *Includible insurance company as member of group.* If an includible insurance company required by section 843 to file its return on the basis of a calendar year is a member of the group and if the common parent of such group files its return on the basis of a fiscal year, then the first consolidated return which includes the income of such insurance company may be filed on the basis of the common parent's fiscal year, provided, however, that if such insurance company is a member of the group on the last day of the common parent's taxable year, all members other than such insurance company change to a calendar year or to a 52–53-week taxable year ending within a 7-day period which includes December 31, effective immediately after the close of the common parent's taxable year. If any member changes to a 52–53-week taxable year, the advance consent of the Commissioner shall be obtained in accordance with subparagraph (1) of this paragraph.

* * * * *

§ 1.1503–1 [Amended]

PAR. 12. Section 1.1503–1 is amended by deleting paragraph (c).

PAR. 13. Section 1.1561–2 is amended by revising the second sentence of paragraph (b)(1) to read as follows:

§ 1.1561–2 Reduction of surtax exemption.

* * * * *

(b) *Certain short taxable years*—(1) *General rule.* * * * For purposes of the preceding sentence, the term "short period" does not include any period if the income for such period is required to be included in a consolidated return under § 1.1502–76. * * *

PAR. 14. Section 1.6012–2 is amended by revising paragraph (d) to read as follows:

§ 1.6012–2 Corporations required to make returns of income.

* * * * *

(d) *Affiliated groups.* For the forms to be used by affiliated corporations filing a consolidated return, see § 1.1502–75.

* * * * *

PAR. 15. Section 1.6072–2 is amended by revising the last sentence of paragraph (c) to read as follows:

§ 1.6072–2 Time for filing returns of corporations.

* * * * *

(c) *Cross-references.* * * * For provisions relating to time for filing consolidated returns and separate returns for short periods not included in consolidated returns, see §§ 1.1502–75 and 1.1502–76.

PAR. 16. Section 1.6164–9 is amended by revising the last sentence to read as follows:

§ 1.6164–9 Cross-references.

* * * For extensions of time under section 6164 in the case of corporations making or required to make consolidated returns, see § 1.1502–77(a).

PAR. 17. Section 1.6411–4 is amended to read as follows:

§ 1.6411–4 Consolidated returns.

For further rules applicable to affiliated groups in the case of tentative carryback adjustments, see § 1.1502–78.

PAR. 18. Section 1.6655–1 is amended by revising paragraph (a)(4) to read as follows:

§ 1.6655–1 Addition to the tax in the case of a corporation.

(a) *In general.* * * *

(4) For special rules relating to the determination of the amount of the underpayment in the case of a corporation whose income is included in a consolidated return, see § 1.1502–5(b).

* * * * *

B. Part 301 of 26 CFR Chapter I is amended as follows:

PAR. 19. Section 301.6503(a)–1 is amended by revising the last sentence in paragraph (b) to read as follows:

§ 301.6503(a)–1 Suspension of running of period of limitation; issuance of statutory notice of deficiency.

* * * * *

(b) *Corporations joining in consolidated return.* * * * Under § 1.1502–77(a) of this chapter (Income Tax Regulations), relating to consolidated returns, notices of deficiency are mailed only to the common parent.

Because this Treasury decision amends existing regulations solely to change cross-references to the consolidated return regulations to reflect the revision of such regulations effective for taxable years beginning after December 31, 1965, and makes other miscellaneous amendments which could not operate to the detriment of any taxpayer, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of Title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Secs. 1502, 68A Stat. 367; 26 U.S.C. 1502, 7805, 68A Stat. 917; 26 U.S.C. 7805, Internal Revenue Code of 1954)

[SEAL] JOHNNIE M. WALTERS,
*Commissioner of Internal Revenue.*

Approved: December 26, 1972.

FREDERIC W. HICKMAN,
*Assistant Secretary of the Treasury.*

[FR Doc.72-22406 Filed 12-29-72;8:48 am]

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[T.D. 7245]

## PART 3—CAPITAL CONSTRUCTION FUND

### Deposits

The following regulations relate to the as amended by section 21(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein for taxable years beginning after December 31, 1969, and before January 1, 1973. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein for such years. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of the Treasury and the Secretary of Commerce and also appear under 46 CFR Part 390 (Maritime) and 50 CFR 259 (Fisheries).

In order to extend the provisions of the temporary regulations under section 21(a) of the Merchant Marine Act of 1970 to taxable years beginning in 1972, § 3.1 of chapter I of 26 CFR is amended by revising so much of such § 3.1 as precedes paragraph (a) of that section and by revising paragraph (d) of that issue as follows:

§ 3.1 Capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1973, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

* * * * *

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1973.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d).

(This Treasury decision is issued under the authority contained in section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026), and under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] JOHNNIE M. WALTERS,
*Commissioner of Internal Revenue.*

Approved: December 27, 1972.

FREDERIC W. HICKMAN,
*Assistant Secretary of the Treasury.*

ROBERT W. WHITE,
*Administrator, National Oceanic and Atmospheric Administration.*

HOWARD CASEY,
*Acting Assistant Secretary of Commerce for Maritime Affairs.*

[FR Doc.72-22443 Filed 12-29-72;8:48 am]

# Title 32—NATIONAL DEFENSE

## Chapter XVI—Selective Service System

## PART 1661—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

Whereas, on November 25, 1972, the Director of Selective Service published a notice of proposed amendments to Selective Service regulations (37 F.R. 25057); and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. e.s.t. on December 31, 1972, as follows:

Part 1661 is added to read as follows:

Sec.
1661.1 Purpose; definitions.
1661.2 The claim of conscientious objection.
1661.3 Basis for classification in Class 1-A-O.
1661.4 Basis for classification in Class 1-O.
1661.5 Exclusion from Class 1-A-O and Class 1-O.
1661.6 Analysis of religious training and belief.
1661.7 Impartiality.
1661.8 Determination as to whether claim is prima facie.
1661.9 Consideration relevant to granting or denying a prima facie claim for classification as a conscientious objector.
1661.10 Types of decisions.
1661.11 Statement of reasons for denial.

AUTHORITY: The provisions of this Part 1661 issued under the Military Selective Service Act, as amended (50 App. U.S.C. secs. 451 et seq.); Executive Order 11623, October 12, 1971.

§ 1661.1 Purpose; definitions.

(a) The provisions of this part govern the consideration of a claim by a registrant for classification in Class 1-A-O (§ 1622.11 of this chapter) or Class 1-O (§ 1622.14 of this chapter).

(b) The definitions in this paragraph shall apply in the interpretation of the provisions of this part:

(1) *Crystallization of a Registrant's Beliefs.* The registrant's becoming conscious of the fact that he is opposed to participation in war in any form.

(2) *Noncombatant Service.* Service in any unit of the Armed Forces which is unarmed at all times; any other military assignment not requiring the bearing of arms or the use of arms in combat or training in the use of arms.

(3) *Noncombatant Training.* Any training which is not concerned with the study, use, or handling of arms or other implements of warfare designed to destroy human life.

(4) *Prima Facie Claim.* A nonfrivolous claim, which, if true, would be sufficient on its face to warrant granting classification in Class 1–A–O or Class 1–O.

§ 1661.2 The claim of conscientious objection.

A claim to classification in Class 1–A–O or Class 1–O may be made by the registrant in writing, such document shall be placed in his File Folder (SSS Form 101). Section 1621.11 of this chapter.

§ 1661.3 Basis for classification in Class 1–A–O.

(a) A registrant must be conscientiously opposed to participation in war in any form and conscientiously opposed to combatant training and service in the Armed Forces.

(b) A registrant's objection must be founded on religious training and belief; it may be based on strictly religious beliefs, or on personal beliefs that are purely ethical or moral in source or content and occupy in the life of a registrant a place parallel to that filled by belief in a Supreme Being for those holding more traditionally religious views.

(c) A registrant's objection must be sincere.

§ 1661.4 Basis for classification in Class 1–O.

(a) A registrant must be conscientiously opposed to participation in war in any form and conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces.

(b) A registrant's objection must be founded on religious training and belief; it may be based on strictly religious beliefs, or on personal beliefs that are purely ethical or moral in source or content and occupy in the life of a registrant a place parallel to that filled by belief in a Supreme Being for those holding more traditionally religious views.

(c) A registrant's objection must be sincere.

§ 1661.5 Exclusion from Class 1–A–O and Class 1–O.

(a) Registrants who assert beliefs which are of a religious, moral, or ethical nature, but who are not found to be sincere in their assertions.

(b) Registrants whose stated objection to participation in war does not rest at all upon moral, ethical, or religious principle, but instead rests solely upon considerations of policy, pragmatism, expediency, or their own self-interest or well-being.

(c) Registrants whose objection to participation in war is directed against a particular war rather than against war in any form (a selective objection). If a registrant objects to war in any form, but also believes in a theocratic, spiritual war between the forces of good and evil, he may not by reason of that belief alone be considered a selective conscientious objector.

§ 1661.6 Analysis of religious training and belief.

(a) A registrant claiming conscientious objection is not required to be a member of a "peace church" or any other church, religious organization, or religious sect to qualify for a 1–A–O or 1–O classification; nor is it necessary that he be affiliated with any particular group opposed to participation in war in any form.

(b) The registrant who identifies his beliefs with those of a traditional church or religious organization must show that he basically adheres to beliefs of that church or religious organization whether or not he is actually affiliated with the institution whose teachings he claims as the basis of his conscientious objection.

(c) A registrant whose beliefs are not religious in the traditional sense, but are based primarily on moral or ethical principle should hold such beliefs with the same strength or conviction as the belief in a Supreme Being is held by a person who is religious in the traditional sense. Beliefs may be mixed; they may be a combination of traditional religious beliefs and of nontraditional religious, moral, or ethical beliefs. The registrant's beliefs must play a significant role in his life but should be evaluated only insofar as they pertain to his stated objection to his participation in war.

(d) Where the registrant is or has been a member of a church, religious organization, or religious sec, and where his claim of a conscientious objection is related to such membership, the board may properly inquire as to the registrant's membership, the religious teachings of the church, religious organization, or religious sect, and the registrant's religious activity, insofar as each relates to his objection to participation in war. The fact that the registrant may disagree with or not subscribe to some of the tenets of his church or religious organization or religious sect does not necessarily discredit his claim.

(e) (1) The history of the process by which the registrant acquired his beliefs, whether founded on religious, moral, or ethical principle is relevant to the determination whether his stated opposition to participation in war in any form is sincere.

(2) The registrant must demonstrate that his religious, ethical, or moral convictions were acquired through training, study, contemplation, or other activity comparable to the processes by which traditional religious convictions are formulated. He must show that these religious, moral, or ethical convictions, once acquired, have directed his life in the way traditional religious convictions of equal strength, depth, and duration have directed the lives of those whose beliefs are clearly founded in traditional religious conviction.

(f) The registrant need not use formal or traditional language in describing the religious, moral, or ethical nature of his beliefs. Board members are not free to reject beliefs because they find them incomprehensible or inconsistent with their own beliefs.

(g) Conscientious objection to participation in war in any form, if based on moral, ethical, or religious beliefs, may not be deemed nonreligious simply because those beliefs may influence the registrant concerning the Nation's domestic or foreign policies.

§ 1661.7 Impartiality.

Local and appeal boards may not give precedence to one religion over another, and all beliefs whether of a religious, ethical, or moral nature, are to be given equal consideration.

§ 1661.8 Determination as to whether claim is prima facie.

(a) A prima facie claim as defined in § 1661.1(b)(4) must include the following:

(1) An affirmative statement (which does not on its face appear to be frivolous) that the registrant is conscientiously opposed to participation in war in any form.

(2) An affirmative statement (which does not on its face appear to be frivolous) explaining the registrant's moral, ethical, or religious basis for his claim.

(b) If the local board determines on the basis of information submitted by the registrant that a prima facie claim has been presented, it shall reopen his classification in accord with § 1625.2(a) of this chapter. If the local board determines on the basis of information submitted by the registrant that a prima facie claim has not been presented, it need not reopen the classification. See § 1625.4 of this chapter. In such case, the board should accompany its refusal to reopen with a written statement setting forth its reason(s) for deciding that the registrant failed to submit a prima facie claim. This statement will be placed in the registrant's File Folder (SSS Form 101), and the registrant will be notified of the board's reason(s).

§ 1661.9 Considerations relevant to granting or denying a prima facie claim for classification as a conscientious objector.

(a) If it is determined that the registrant has submitted a prima facie claim, the information in the registrant's file folder should then be evaluated to determine whether the registrant is sincere in his claim of conscientious objection. Oral statements by the registrant at a personal appearance before the local or appeal board, and the registrant's general demeanor during such an interview, are to be taken into account in assessing his sincerity.

(b) The registrant's stated convictions should be a matter of conscience which would give him no rest or peace should he participate in war.

(c) The board should be convinced that the registrant's personal history since the crystallization of his conscientious objection is not inconsistent with

his claim and demonstrates that the registrant's objection is not solely a matter of expediency. A late crystallization of beliefs does not necessarily indicate expediency.

(d) The information presented by the registrant should reflect a pattern of behavior in response to war and weapons which is consistent with his stated beliefs. Instances of violent acts or conviction for crimes of violence, or employment in the development or manufacturing of weapons of war may, if the claim is based upon or supported by a life of nonviolence, be indicative of inconsistent conduct.

(e) The development of a registrant's opposition to war in any form may bear on his sincerity. If the registrant claims a recent crystallization of beliefs, his claim should be supported by evidence of a religious or educational experience, a traumatic event, an historical occasion, or some other special situation which explains when and how his objection to participation in war crystallized.

(f) In the event that a registrant has previously claimed or been granted a deferment to work in the development of or manufacturing of weapons of war or to serve as a member of a military reserve unit, it should be determined whether such a deferment was claimed or granted prior to the stated crystallization of the registrant's conscientious objector beliefs. Inconsistent classifications claimed or held prior to the actual crystallization of conscientious objector beliefs are not necessarily indicative of insincerity. But, inconsistent claims or classifications claimed or held subsequent to actual crystallization may indicate that registrant's stated objection is not sincere.

(g) If a registrant attends a personal appearance before the local or appeal board, his behavior before the local board may be relevant to the matter of the sincerity of his claim.

(1) Evasive answers to questions by board members or the use of hostile, belligerent, or threatening words or actions, for example, may in proper circumstances be deemed inconsistent with a claim in which the registrant bases his objection on a belief in nonviolence. But such behavior may have less relevance to the sincerity question if the registrant bases his beliefs solely on a conscientious objection to bearing arms.

(2) Care should be exercised that nervous, frightened, or apprehensive behavior at the personal appearance is not misconstrued as a reflection of insincerity.

(h) Oral response to questions by board members should be consistent with the written statements of the registrant and should generally substantiate the submitted information in the registrant's File Folder (SSS Form 101); any material inconsistencies should be satisfactorily explained by the registrant. It is important to recognize that the registrant need not be eloquent in his answers. But, a clear inconsistency between the registrant's oral remarks at his personal appearance and his written submission to the board may be adequate grounds, if not satisfactorily explained, for concluding that his claim is insincere.

(i) The registrant may submit letters of reference and other supporting statements of friends, relatives and acquaintances to corroborate the sincerity of his claim, although such supplemental documentation is not essential to approval of his claim. A finding of insincerity based on these letters or supporting statements must be carefully explained in the board's decision, specific mention being made of the particular material relied upon for denial of 1–A–O or 1–O classification.

**§ 1661.10 Types of decisions.**

(a) The following are the types of decisions which may be made by the local and appeal board when a prima facie claim of conscientious objection has been stated.

(1) Decision to grant a claim for 1–A–O or 1–O classification as requested, based on a determination that the truth or sincerity of the registrant's prime facie claim is not refuted by any information contained in the registrant's file or obtained during his personal appearance.

(2) Decision to deny a claim for 1–A–O or 1–O classification, finding on the basis of all information before the board, that the claim fails to meet the tests specified in §§ 1661.2 and 1661.3. If supported by evidence in the file the board may find that the facts presented by the registrant in support of his claim are untrue.

(3) Decision to grant a 1–A–O classification to a registrant even though he requested a 1–O classification. It should be noted that the registrant who requests classification in Class 1–O should be classified in Class 1–A–O only when the information presented demonstrates clearly that the registrant is opposed only to bearing arms and that he does not object to noncombatant service.

**§ 1661.11 Statement of reasons for denial.**

(a) Denial of a conscientious objector claim either by the local or appeal board must be accompanied by a statement specifying the reason(s) for such denial as prescribed in §§ 1623.4 and 1626.4 of this chapter. The reason(s) must, in turn, be supported by evidence in the registrant's file (which should include a summary of the interview with the registrant, if any, at his personal appearance).

(b) If the board's denial is based on statements by the registrant or on a determination that the claim is inconsistent or insincere, this should be fully explained in the statement of reasons accompanying the denial.

BYRON V. PEPITONE,
*Acting Director.*

DECEMBER 26, 1972.

[FR Doc.72-22430 Filed 12-29-72;8:47 am]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter II—Forest Service, Department of Agriculture

## PART 251—LAND USES

### Recreation Fee Rules

Pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, as amended; 16 U.S.C. 460L), as amended by the Act of July 11, 1972 (86 Stat. 459), § 251.25a of Title 36 of the Code of Federal Regulations is revised to read as follows:

**§ 251.25a Admission fees and special recreation use fees.**

(a) Fees will be charged for admission or entrance to designated units of national recreation areas administered by the Department of Agriculture as provided by section 4(a) of the Land and Water Conservation Fund Act of 1965, as amended. Such fees shall be established by the Chief, Forest Service, or his delegate. Admission or entrance into any designated area of a national recreation area without payment of the established fee is prohibited.

(b) Special recreation use fees will be charged for the use of sites, facilities, equipment, or services furnished at Federal expense as provided by section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended. Such fees shall be established by the Chief, Forest Service, or his delegate. Use of sites, facilities, equipment or services without payment of the established special recreation use fee is prohibited.

(c) Clear notice that an admission or entrance fee or special recreation use fee has been established shall be prominently posted at each area and at appropriate locations therein and shall be included in publications distributed at such areas. Any violation of this section is punishable by a fine of not more than $100.

(Sec. 4, 86 Stat. 459)

*Findings and determination.* The purpose of this revision is to provide for the Forest Service fee program pursuant to the Land and Water Conservation Fund Act, as amended. While it is the policy of the Department of Agriculture, whenever practicable, to afford the public an opportunity to participate in the rule making process, it is deemed not necessary to do so in this instance since the revision serves to continue substantially the current fee program and the revised regulation does not further restrict members of the public.

*Effective date.* These regulations shall become effective on January 1, 1973, or on the date of publication in the FEDERAL REGISTER, whichever comes later.

T. K. COWDEN,
*Assistant Secretary.*

DECEMBER 27, 1972.

[FR Doc.72-22438 Filed 12-29-72;8:45 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Parts 20, 25 ]

## ESTATE TAX CREDIT FOR FOREIGN DEATH TAXES; ESTATE AND GIFT TAX TREATMENT OF TRANSFERS OF NONRESIDENTS NOT CITIZENS OF THE UNITED STATES

### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224, by January 29, 1973. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 29, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
*Commissioner of Internal Revenue.*

In order to conform the estate tax regulations (26 CFR Part 20) and the gift tax regulations (26 CFR Part 25) to the amendments of the Internal Revenue Code of 1954 made by sections 106(b)(3), 108, and 109 of the Foreign Investors Tax Act of 1966 (80 Stat. 1570, 1571, and 1574), and by section 435(b), of the Tax Reform Act of 1969 (83 Stat. 625), such regulations are hereby amended as follows:

A. Part 20 of 26 CFR Chapter I is amended as follows:

PARAGRAPH 1. Section 20.0–1 is amended by revising paragraph (b) (1), (2), and (4) to read as follows:

§ 20.0–1 Introduction.

* * * * *

(b) *Scope of regulations*—(1) *Estates of citizens or residents.* Subchapter A of chapter 11 of the Code pertains to the taxation of the estate of a person who was a citizen or a resident of the United States at the time of his death. A "resident" decedent is a decedent who, at the time of his death, had his domicile in the United States. The term "United States," as used in the estate tax regulations, includes only the States and the District of Columbia. The term also includes the Territories of Alaska and Hawaii prior to their admission as States. See section 7701(a)(9). A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal. For the meaning of the term "citizen of the United States" as applied in a case where the decedent was a resident of a possession of the United States, see § 20.2208–1. The regulations pursuant to subchapter A are set forth in §§ 20.2001 to 20.2056(e)–3.

(2) *Estates of nonresidents not citizens.* Subchapter B of chapter 11 of the Code pertains to the taxation of the estate of a person who was a nonresident not a citizen of the United States at the time of his death. A "nonresident" decedent is a decedent who, at the time of his death, had his domicile outside the United States under the principles set forth in subparagraph (1) of this paragraph. (See, however, section 2202 with respect to missionaries in foreign service.) The regulations pursuant to subchapter B are set forth in §§ 20.2101 to 20.2108.

* * * * *

(4) *Procedure and administration provisions.* Subtitle F of the Internal Revenue Code contains some sections which are applicable to the Federal estate tax. The regulations pursuant to those sections are set forth in §§ 20.6001 to 20.7404. Such regulations do not purport to be all the regulations on procedure and administration which are pertinent to estate tax matters. For the remainder of the regulations on procedure and administration which are pertinent to estate tax matters, see Part 301 (procedure and administration regulations) of this chapter.

* * * * *

PAR. 2. Section 20.0–2 is amended by revising paragraph (c) to reads as follows:

§ 20.0–2 General description of tax.

* * * * *

(c) *Method of determining tax; estate of nonresident not a citizen.* In general, the method to be used in determining the Federal estate tax imposed upon the transfer of an estate of a decedent who was a nonresident not a citizen of the United States is similar to that described in paragraph (b) of this section with respect to the estate of a citizen or resident. Briefly stated, the steps are as follows: First, ascertain the sum of the value of that part of the decedent's "entire gross estate" which at the time of his death was situated in the United States (see §§ 20.2103–1 and 20.2104–1) and, in the case of an estate of an expatriate to which section 2107 applies, any amounts includible in his gross estate under section 2107(b) (see paragraph (b) of § 20.2107–1); second, determine the value of the taxable estate by subtracting from the amount determined under the first step the amount of the allowable deductions (see § 20.2106–1); third, compute the gross estate tax on the taxable estate (see § 20.2101–1); and fourth, subtract from the gross estate tax the total amount of any allowable credits in order to arrive at the net estate tax payable (see § 20.2102–1 and paragraph (c) of § 20.2107–1).

PAR. 3. Section 20.2013–2 is amended by revising paragraph (c) to read as follows:

§ 20.2013–2 "First limitation."

* * * * *

(c)(1) For purposes of the ratio stated in paragraph (a) of this section, the "transferor's adjusted taxable estate" referred to as factor "D" is the amount of the transferor's taxable estate (or net estate) decreased by the amount of any "death taxes" paid with respect to his gross estate and increased by the amount of the exemption allowed in computing his taxable estate (or net estate). The amount of the transferor's taxable estate (or net estate) is determined in accordance with the provisions of § 20.2051–1 in the case of a citizen or resident of the United States or of § 20.2106–1 in the case of a nonresident not a citizen of the United States (or the corresponding provisions of prior regulations). The term "death taxes" means the Federal estate tax plus all other estate, inheritance, legacy, succession, or similar death taxes imposed by, and paid to, any taxing authority, whether within or without the United States. However, only the net amount of such taxes paid is taken into consideration.

(2) The amount of the exemption depends upon the citizenship and residence of the transferor at the time of his death. Except in the case of a decedent described in section 2209 (relating to certain residents of possessions of the United States who are considered nonresidents not citizens), if the decedent was a citizen or resident of the United States, the exemption is the $60,000 authorized by section 2052 (or the corre-

sponding provisions of prior law). If the decedent was a nonresident not a citizen of the United States, or is considered under section 2209 to have been such a nonresident, the exemption is the $30,000 or $2,000, as the case may be, authorized by section 2106(a)(3) (or the corresponding provisions of prior law), or such larger amount as is authorized by section 2106(a)(3)(B) or may have been allowed as an exemption pursuant to the prorated exemption provisions of an applicable death tax convention. See § 20.2052–1 and paragraph (a)(3) of § 20.2106–1.

* * * * *

PAR. 4. Section 20.2013–3 is amended by revising paragraph (a)(1) to read as follows:

§ 20.2013–3 "Second limitation."

(a) The amount of the Federal estate tax attributable to the transferred property in the present decedent's estate is the "second limitation." Thus, the credit is limited to the difference between—

(1) The net estate tax payable (see paragraph (b)(5) or (c), as the case may be, of § 20.0–2) with respect to the present decedent's estate, determined without regard to any credit for tax on prior transfers under section 2013 or any credit for foreign death taxes claimed under the provisions of a death tax convention, and

* * * * *

PAR. 5. Section 20.2013–4 is amended by revising that part of paragraph (a) which precedes example (1) therein to read as follows:

§ 20.2013–4 Valuation of property transferred.

(a) For purposes of section 2013 and §§ 20.2013 to 20.2013–6, the value of the property transferred to the decedent is the value at which the property was included in the transferor's gross estate for the purpose of the Federal estate tax (see sections 2031, 2032, 2103, and 2107, and the regulations thereunder) reduced as indicated in paragraph (b) of this section. If the decedent received a life estate or remainder or other limited interests in property included in the transferor's gross estate, the value of the interest is determined as of the date of the transferor's death on the basis of recognized valuation principles (see especially §§ 20.2031–7 and 20.2031–10). The application of this paragraph may be illustrated by the following examples:

* * * * *

PAR. 6. Section 20.2014 is amended by revising section 2014(a), by adding a new section 2014(h), and by revising the historical note. These amended and added provisions read as follows:

§ 20.2014 Statutory provisions; credit for foreign death taxes.

SEC. 2014. *Credit for foreign death taxes*—(a) *In general.* The tax imposed by section 2001 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any foreign country in respect of any property situated within such foreign country and included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The determination of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States.

* * * * *

(h) *Similar credit required for certain alien residents.* Whenever the President finds that—

(1) A foreign country, in imposing estate, inheritance, legacy, or succession taxes, does not allow to citizens of the United States resident in such foreign country at the time of death a credit similar to the credit allowed under subsection (a),

(2) Such foreign country, when requested by the United States to do so has not acted to provide such a similar credit in the case of citizens of the United States resident in such foreign country at the time of death, and

(3) It is in the public interest to allow the credit under subsection (a) in the case of citizens or subjects of such foreign country only if it allows such a similar credit in the case of citizens of the United States resident in such foreign country at the time of death, the President shall proclaim that, in the case of citizens or subjects of such foreign country dying while the proclamation remains in effect, the credit under subsection (a) shall be allowed only if such foreign country allows such a similar credit in the case of citizens of the United States resident in such foreign country at the time of death.

[Sec. 2014 as amended by sec. 102(c)(2), Technical Amendments Act 1958 (72 Stat. 1674); sec. 2, Act of Aug. 21, 1959 (Public Law 86–175, 73 Stat. 397); sec. 106(b)(3), Foreign Investors Tax Act 1966 (80 Stat. 1570)]

PAR. 7. Section 20.2014–1 is amended by revising paragraph (a) (1) and (3) and by adding a new paragraph (c). These amended and added provisions read as follows:

§ 20.2014–1 Credit for foreign death taxes.

(a) *In general.* (1) A credit is allowed under section 2014 against the Federal estate tax for any estate, inheritance, legacy, or succession taxes actually paid to any foreign country (hereinafter referred to as "foreign death taxes"). The credit is allowed only for foreign death taxes paid (i) with respect to property situated within the country to which the tax is paid, (ii) with respect to property included in the decedent's gross estate, and (iii) with respect to the decedent's estate. The credit is allowable to the estate of a decedent who was a citizen of the United States at the time of his death. The credit is also allowable, as provided in paragraph (c) of this section, to the estate of a decedent who was a resident but not a citizen of the United States at the time of his death. The credit is not allowable to the estate of a decedent who was neither a citizen nor a resident of the United States at the time of his death. See paragraph (b)(1) of § 20.0–1 for the meaning of the term "resident" as applied to a decedent. The credit is allowable not only for death taxes paid to foreign countries which are states in the international sense, but also for death taxes paid to possessions or political subdivisions of foreign states. With respect to the estate of a decedent dying after September 2, 1958, the term "foreign country", as used in this section and §§ 20.2014–2 to 20.2014–6, includes a possession of the United States. See §§ 20.2011–1 and 20.2011–2 for the allowance of a credit for death taxes paid to a possession of the United States in the case of a decedent dying before September 3, 1958. No credit is allowable for interest or penalties paid in connection with foreign death taxes.

* * * * *

(3) No credit is allowable under section 2014 in connection with property situated outside of the foreign country imposing the tax for which credit is claimed. However, such a credit may be allowable under certain death tax conventions. In the case of a tax imposed by a political subdivision of a foreign country, credit for the tax shall be allowed with respect to property having a situs in that foreign country, even though, under the principles described in this subparagraph, the property has a situs in a political subdivision different from the one imposing the tax. Whether or not particular property of a decedent is situated in the foreign country imposing the tax is determined in accordance with the same principles that would be applied in determining whether or not similar property of a nonresident decedent not a citizen of the United States is situated within the United States for Federal estate tax purposes. See §§ 20.2104–1 and 20.2105–1. For example, under § 20.2104–1 shares of stock are deemed to be situated in the United States only if issued by a domestic corporation. Thus, a share of corporate stock is regarded as situated in the foreign country imposing the tax only if the issuing corporation is incorporated in that country. Further, under § 20.2105–1 amounts receivable as insurance on the life of a nonresident not a citizen of the United States at the time of his death are not deemed situated in the United States. Therefore, in determining the credit under section 2014 in the case of a decedent who was a citizen or resident of the United States, amounts receivable as insurance on the life of the decedent and payable under a policy issued by a corporation incorporated in a foreign country are not deemed situated in such foreign country. In addition, under § 20.2105–1 in the case of an estate of a nonresident not a citizen of the United States who died on or after November 14, 1966, a debt obligation of a domestic corporation is not considered to be situated in the United States if any interest thereon would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(B) (relating to interest received from a domestic corporation less than 20 percent of whose gross income for a 3-year period was derived from sources within the United States). Accordingly, a debt obligation the primary obligor on which is a corporation

incorporated in the foreign country imposing the tax is not considered to be situated in that country if, under circumstances corresponding to those described in § 20.2105–1 less than 20 percent of the gross income of the corporation for the 3-year period was derived from sources within that country. Further, under § 20.2104–1 in the case of an estate of a nonresident not a citizen of the United States who died before November 14, 1966, a bond for the payment of money is not situated within the United States unless it is physically located in the United States. Accordingly, in the case of the estate of a decedent dying before November 14, 1966, a bond is deemed situated in the foreign country imposing the tax only if it is physically located in that country. Finally, under § 20.2105–1 moneys deposited in the United States with any person carrying on the banking business by or for a nonresident not a citizen of the United States who died before November 14, 1966, and who was not engaged in business in the United States at the time of death are not deemed situated in the United States. Therefore, an account with a foreign bank in the foreign country imposing the tax is not considered to be situated in that country under corresponding circumstances.

* * * * *

(c) *Credit allowable to estate of resident not a citizen.* (1) In the case of an estate of a decedent dying before November 14, 1966, who was a resident but not a citizen of the United States, a credit is allowed to the estate under section 2014 only if the foreign country of which the decedent was a citizen or subject, in imposing foreign death taxes, allows a similar credit to the estates of citizens of the United States who were resident in that foreign country at the time of death.

(2) In the case of an estate of a decedent dying on or after November 14, 1966, who was a resident but not a citizen of the United States, a credit is allowed to the estate under section 2014 without regard to the similar credit requirement of subparagraph (1) of this paragraph unless the decedent was a citizen or subject of a foreign country with respect to which there is in effect at the time of the decedent's death a Presidential proclamation, as authorized by section 2014(h), reinstating the similar credit requirement. In the case of an estate of a decedent who was a resident of the United States and a citizen or subject of a foreign country with respect to which such a proclamation has been made, and who dies while the proclamation is in effect, a credit is allowed under section 2014 only if that foreign country, in imposing foreign death taxes, allows a similar credit to the estates of citizens of the United States who were resident in that foreign country at the time of death. The proclamation authorized by section 2014(h) for the reinstatement of the similar credit requirement with respect to the estates of citizens or subjects of a specific foreign country may be made by the President whenever he finds that—

(i) The foreign country, in imposing foreign death taxes, does not allow a similar credit to the estates of citizens of the United States who were resident in the foreign country at the time of death,

(ii) The foreign country, after having been requested to do so, has not acted to provide a similar credit to the estates of such citizens, and

(iii) It is in the public interest to allow the credit under section 2014 to the estates of citizens or subjects of the foreign country only if the foreign country allows a similar credit to the estates of citizens of the United States who were resident in the foreign country at the time of death.

The proclamation for the reinstatement of the similar credit requirement with respect to the estates of citizens or subjects of a specific foreign country may be revoked by the President. In that case, a credit is allowed under section 2014, to the estate of a decedent who was a citizen or subject of that foreign country and a resident of the United States at the time of death, without regard to the similar credit requirement if the decedent dies after the proclamation reinstating the similar credit requirement has been revoked.

PAR. 8. Section 20.2014–2 is amended by revising the example in paragraph (a) to read as follows:

§ 20.2014–2 "First limitation".

(a) * * *

*Example.* At the time of his death on June 1, 1966, the decedent, a citizen of the United States, owned stock in X Corp. (a corporation organized under the laws of Country Y) valued at $80,000. In addition, he owned bonds issued by Country Y valued at $60,000. The stock and bond certificates were in the United States. Decedent left by will $20,000 of the stock and $50,000 of the Country Y bonds to his surviving spouse. He left the rest of the stock and bonds to his son. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1 the stock is deemed situated in Country Y while the bonds are deemed to have their situs in the United States. (The bonds would be deemed to have their situs in Country Y if the decedent had died on or after Nov. 14, 1966.) There is no death tax convention in existence between the United States and Country Y. The laws of Country Y provide for inheritance taxes computed as follows:

| | |
|---|---|
| Inheritance tax of surviving spouse: | |
| Value of stock | $20,000 |
| Value of bonds | 50,000 |
| Total value | 70,000 |
| Tax (16 percent rate) | 11,200 |
| Inheritance tax of son: | |
| Value of stock | 60,000 |
| Value of bonds | 30,000 |
| Total value | 90,000 |
| Tax (16 percent rate) | 14,400 |

The "first limitation" on the credit for foreign death taxes is:

$$\frac{\$20,000+\$60,000 \text{ (factor C of the ratio stated at § 20.2014–2(a))}}{\$70,000+\$90,000 \text{ (factor D of the ratio stated at § 20.2014–2(a))}} \times (\$11,200+\$14,400) \text{ (factor B of the ratio stated at § 20.2014–2(a))} = \$12,800$$

* * * * *

PAR. 9. Section 20.2014–3 is amended by revising subdivision (i) in Example (1) in paragraph (c) to read as follows:

§ 20.2014–3 "Second limitation".

* * * * *

(c) * * *

*Example (1).* (i) Decedent, a citizen and resident of the United States at the time of his death on February 1, 1967, left a gross estate of $1,000,000 which includes the following: shares of stock issued by a domestic corporation, valued at $750,000; bonds issued in 1960 by the United States and physically located in foreign Country X, valued at $50,000; and shares of stock issued by a Country X corporation, valued at $200,000, with respect to which death taxes were paid to Country X. Expenses, indebtedness, etc., amounted to $60,000. Decedent specifically bequeathed $40,000 of the stock issued by the County X corporation to a U.S. charity and left the residue of his estate, in equal shares, to his son and daughter. The gross Federal estate tax is $266,500, and the credit for State death taxes is $27,600. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1, the shares of stock issued by the Country X corporation comprise the only property deemed to be situated in Country X. (The bonds also would be deemed to have their situs in Country X if the decedent had died before November 14, 1966.)

* * * * *

PAR. 10. Section 20.2014–4 is amended by revising subdivision (i) of the example in paragraph (a)(1), subparagraph (1) of the example in paragraph (b), and the example in paragraph (c) to read as follows:

§ 20.2014–4 Application of credit in cases involving a death tax convention.

(a) *In general.* (1) * * *

*Example.* (i) Decedent, a citizen of the United States and a domiciliary of foreign Country X at the time of his death on December 1, 1966, left a gross estate of $1 million which includes the following: Shares of stock issued by a Country X corporation, valued at $400,000; bonds issued in 1962 by the United States and physically located in Country X, valued at $350,000; and real estate located in the United States, valued at $250,000. Expenses, indebtedness, etc., amounted to $50,000. Decedent left his entire estate to his son. There is in effect a death tax convention between the United States and Country X which provides for the allowance of credit by the United States for succession duties imposed by the national government of Country X. The gross Federal estate tax is $307,200, and the credit for State death taxes is $33,760. Country X imposed a net succession duty on the stocks and bonds of $180,000. Under the situs rules referred to in paragraph (a)(3) of § 20.2014–1, the shares of stock comprise the only property deemed to be situated in Country X. (If the decedent had died before November 14, 1966, the bonds also would be deemed to have their situs in Country X.) Under the convention, both the stocks and the bonds are deemed to be situated in Country X. In this example all figures are rounded to the nearest dollar.

* * * * *

(b) *Taxes imposed by both a foreign country and a political subdivision thereof.* * * *

*Example.* (1) Decedent, a citizen of the United States and a domiciliary of Province Y of foreign Country X at the time of his death on February 1, 1966, left a gross estate of $250,000 which includes the following: Bonds issued by Country X physically located in Province Y, valued at $75,000; bonds issued by Province Z of Country X and physically located in the United States, valued at $50,000; and shares of stock issued by a domestic corporation, valued at $125,000. Decedent left his entire estate to his son. Expenses, indebtedness etc., amounted to $26,000. The Federal estate tax after allowance of the credit for State death taxes is $38,124. Province Y imposed a death tax of 8 percent on the Country X bonds located therein which amounted to $6,000. No death tax was imposed by Province Z. Country X imposed a death tax of 15 percent on the Country X bonds and the Province Z bonds which amounted to $18,750 before allowance of any credit for the death tax of Province Y. Country X allows against its death taxes a credit for death taxes paid to any of its provinces on property which it also taxes, but only to the extent of one-half of the Country X death tax attributable to the property, or the amount of death taxes paid to its province, whichever is less. Country X, therefore, allowed a credit of $5,625 for the death taxes paid to Province Y. There is in effect a death tax convention between the United States and Country X which provides for allowance of credit by the United States for death taxes imposed by the national government of Country X. The death tax convention provides that in computing the "first limitation" for the credit under the convention, the tax of Country X is not to be reduced by the amount of the credit allowed for provincial taxes. Under the situs rules described in paragraph (a) (3) of § 20.2014–1, only the Country X bonds located in Province Y are deemed situated in Country X. (The bonds issued by Province Z also would be deemed to have their situs in Country X if the decedent had died on or after November 14, 1966.) Under the convention, both the Country X bonds and the Province Z bonds are deemed to be situated in Country X. In this example all figures are rounded to the nearest dollar.

* * * * *

(c) *Taxes imposed by two foreign countries with respect to the same property.* * * *

*Example.* The decedent, a citizen of the United States and a domiciliary of Country X at the time of his death on May 1, 1967, left a taxable estate which included bonds issued by Country Z and physically located in Country X. Each of the three countries involved imposed death taxes on the Country Z bonds. Assume that under the provisions of a treaty between the United States and Country X the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country X on the bonds in the maximum amount of $20,000. Assume, also, that since the decedent died after November 13, 1966, so that under the situs rules referred to in paragraph (a) (3) of § 20.2014–1 the bonds are deemed to have their situs in Country Z, the estate is entitled to a credit against the Federal estate tax for death taxes imposed by Country Z on the bonds in the maximum amount of $10,000. Finally, assume that the Federal estate tax attributable to the bonds is $25,000. Under these circumstances, the credit allowed the estate with respect to the bonds would be limited to $25,000.

PAR. 11. Section 20.2015–1 is amended by revising paragraph (a) to read as follows:

**§ 20.2015–1 Credit for death taxes on remainders.**

(a) If the executor of an estate elects under section 6163(a) to postpone the time for payment of any portion of the Federal estate tax attributable to a reversionary or remainder interest in property, credit is allowed under sections 2011 and 2014 against that portion of the Federal estate tax for State death taxes and foreign death taxes attributable to the reversionary or remainder interest if the State death taxes or foreign death taxes are paid and if credit therefor is claimed either—

(1) Within the time provided for in sections 2011 and 2014, or

(2) Within the time for payment of the tax imposed by section 2001 or 2101 as postponed under section 6163(a) and as extended under section 6163(b) (on account of undue hardship) or, if the precedent interest terminated before July 5, 1958, within 60 days after the termination of the preceding interest or interests in the property.

The allowance of credit, however, is subject to the other limitations contained in sections 2011 and 2014 and, in the case of the estate of a decedent who was a nonresident not a citizen of the United States, in section 2102(b).

* * * * *

PAR. 12. Section 20.2101 is amended by revising section 2101(a) and adding a historical note. These amended and added provisions read as follows:

**§ 20.2101 Statutory provisions; tax imposed.**

SEC. 2101. *Tax imposed*—(a) *Rate of tax.* Except as provided in section 2107, a tax computed in accordance with the following table is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the United States:

| If the taxable estate is: | *The tax shall be* |
|---|---|
| Not over $100,000 | 5 percent of the taxable estate. |
| Over $100,000 but not over $500,000 | $5,000, plus 10 percent of excess over $100,000. |
| Over $500,000 but not over $1,000,000 | $45,000, plus 15 percent of excess over $500,000. |
| Over $1,000,000 but not over $2,000,000 | $120,000, plus 20 percent of excess over $1,000,000. |
| Over $2,000,000 | $320,000, plus 25 percent of excess over $2,000,000. |

* * * * *

[Sec. 2101 as amended by sec. 108(a), Foreign Investors Tax Act 1966 (80 Stat. 1571)]

PAR. 13. Section 20.2101–1 is amended to read as follows:

**§ 20.2101–1 Estates of nonresidents not citizens; tax imposed.**

Section 2101 imposes a tax on the transfer of the taxable estate of a nonresident who was not a citizen of the United States at the time of his death. In the case of an estate of a decedent dying on or after November 14, 1966, the tax is generally computed at the rates specified in section 2101(a). However, see section 2107 (relating to estates of certain decedents who lost their U.S. citizenship after March 8, 1965, with a principal purpose of avoiding U.S. income, estate, or gift tax) and section 2108 (relating to estates of decedents who at the time of death were residents of a foreign country with respect to which the President has proclaimed the application of pre-1967 estate tax provisions). Sections 2107 and 2108 provide for the computation of the tax in certain cases of estates of nonresidents not citizens at the rates specified in section 2001 (which is applicable to estates of citizens or residents of the United States). In the case of an estate of a decedent dying before November 14, 1966, the tax imposed by section 2101 is computed at the same rates as the tax which is imposed by section 2001 on the transfer of the taxable estate of a citizen or resident of the United States. For a general description of the method to be used in determining the net estate tax payable in the case of an estate of a nonresident not a citizen, see paragraph (c) of § 20.0–2. For the meanings of the terms "resident," "nonresident," and "United States," as applied to a decedent for purposes of the estate tax, see paragraph (b) (1) and (2) of § 20.0–1. For the presumption applying to the residence of missionaries, see section 2202 and § 20.2202–1. For the liability of the executor for the payment of the tax, see section 2002 and § 20.2002–1.

PAR. 14. Section 20.2102 is amended to read as follows:

**§ 20.2102 Statutory provisions; credits against tax.**

SEC. 2102. *Credits against tax*—(a) *In general.* The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2011 to 2013, inclusive (relating to State death taxes, gift tax, and tax on prior transfers), subject to the special limitation provided in subsection (b).

(b) *Special limitation.* The maximum credit allowed under section 2011 against the tax imposed by section 2101 for State death taxes paid shall be an amount which bears the same ratio to the credit computed as provided in section 2011(b) as the value of the property, as determined for purposes of this chapter, upon which State death taxes were paid and which is included in the gross estate under section 2103 bears to the value of the total gross estate under section 2103. For purposes of this subsection, the term "State death taxes" means the taxes described in section 2011(a).

[Sec. 2102 as amended by sec. 108(b), Foreign Investors Tax Act 1966 (80 Stat. 1572)]

PAR. 15. Section 20.2102–1 is amended to read as follows:

**§ 20.2102–1 Estates of nonresidents not citizens; credits against tax.**

(a) *In general.* In arriving at the net estate tax payable with respect to the transfer of an estate of a nonresident who was not a citizen of the United States at the time of his death, the fol-

lowing credits are subtracted from the tax imposed by section 2101:

(1) The State death tax credit under section 2011, to the extent permitted by section 2102(b) and paragraph (b) of this section;

(2) The gift tax credit under section 2012; and

(3) The credit under section 2013 for tax on prior transfers.

Except as provided in section 2102(b) and paragraph (b) of this section (relating to a special limitation on the amount of the credit for State death taxes), the amount of each of these credits is determined in the same manner as that prescribed for its determination in the case of estates of citizens or residents of the United States. See §§ 20.2011 through 20.2013–6. Subject to the additional special limitation contained in section 2102 (b) in the case of section 2015, the provisions of sections 2015 and 2016, relating respectively to the credit for death taxes on remainders and the recovery of taxes claimed as a credit, are applicable with respect to the credit for State death taxes in the case of the estates of nonresidents not citizens. However, no credit is allowed under section 2014 for foreign death taxes.

(b) *Special limitation*—(1) *In general.* In the case of estates of decedents dying on or after November 14, 1966, other than estates the estate tax treatment of which is subject to a Presidential proclamation made pursuant to section 2108 (a), the maximum credit allowable under section 2011 for State death taxes against the tax imposed by section 2101 on the transfer of estates of nonresidents not citizens of the United States is an amount which bears the same ratio to the maximum credit computed as provided in section 2011(b) (and without regard to this special limitation) as the value of the property (determined in the same manner as that prescribed in paragraph (b) of § 20.2031–1 for the estates of citizens or residents of the United States) in respect of which a State death tax was actually paid and which is included in the gross estate under section 2103 or, if applicable, section 2107(b) bears to the value (as so determined) of the total gross estate under section 2103 or 2107(b). For purposes of this special limitation, the term "State death taxes" means the taxes described in section 2011 (a) and paragraph (a) of § 20.2011–1.

(2) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* A nonresident not a citizen of the United States, died on February 15, 1967, owning real property in State Z valued at $50,000 and stock in various domestic corporations valued at $100,000 and not subject to death taxes in any State. State Z's inheritance tax actually paid with respect to the real property in State Z is $2,000. A's taxable estate for Federal estate tax purposes is $110,000, in respect of which the maximum credit under section 2011 would be $720 in the absence of the special limitation contained in section 2102(b). However, under section 2102(b) and this paragraph the amount of the maximum credit allowable in respect to A's estate for State death taxes is limited to the amount which bears the same ratio to $720 (the maximum credit computed as provided in section 2011(b)) as $50,000 (the value of the property in respect of which a State death tax was actually paid and which is included in A's gross estate under section 2103) bears to $150,000 (the value of A's total gross estate under section 2103). Accordingly, the maximum credit allowable under section 2102 and this section for all State death taxes actually paid is $240 ($720×$50,000/$150,000).

*Example (2).* B, a nonresident not a citizen of the United States, died on January 15, 1967, owning real property in State X valued at $100,000, real property in State Y valued at $200,000, and stock in various domestic corporations valued at $300,000 and not subject to death taxes in any State. States X and Y both impose inheritance taxes. State X has, in addition to its inheritance tax, an estate tax equal to the amount by which the maximum State death tax credit allowable to an estate against its Federal estate tax exceeds the amount of the inheritance tax imposed by State X plus the amount of death taxes paid to other States. State Y has no estate tax. The amount of the inheritance tax actually paid to State X with respect to the real property situated in State X is $4,000; the amount of the inheritance tax actually paid to State Y with respect to the real property situated in State Y is $9,000. B's taxable estate for Federal estate tax purposes is $550,000, in respect of which the maximum credit under section 2011 would be $14,400 in the absence of the special limitation contained in section 2102(b). However, under section 2102(b) and this paragraph the amount of the maximum credit allowable in respect of B's estate for State death taxes is limited to the amount which bears the same ratio to $14,400 (the maximum credit computed as provided in section 2011(b)) as $300,000 (the value of the property in respect of which a State death tax was actually paid and which is included in B's gross estate under section 2103) bears to $600,000 (the value of B's total gross estate under section 2103). Accordingly, the maximum credit allowable under section 2102 and this section for all State death taxes actually paid is $7,200 ($14,400×$300,000/$600,000), and the estate tax of State X is not applicable to B's estate.

PAR. 16. Section 20.2103–1 is amended to read as follows:

**§ 20.2103–1 Estates of nonresidents not citizens; "entire gross estate."**

The "entire gross estate" wherever situated of a nonresident who was not a citizen of the United States at the time of his death is made up in the same way as the "gross estate" of a citizen or resident of the United States. See §§ 20.2031 through 20.2044–1. See paragraphs (a) and (c) of § 20.2031–1 for the circumstances under which real property situated outside the United States is excluded from the gross estate of a citizen or resident of the United States. However, except as provided in section 2107(b) with respect to the estates of certain expatriates, in the case of a nonresident not a citizen, only that part of the entire gross estate which on the date of the decedent's death is situated in the United States is included in his taxable estate. In fact, property situated outside the United States need not be disclosed on the return unless section 2107 is applicable, certain deductions are claimed, or information is specifically requested. See §§ 20.2106–1, 20.2106–2, and 20.2107–1. For a description of property considered to be situated in the United States, see § 20.2104–1. For a description of property considered to be situated outside the United States, see § 20.2105–1.

PAR. 17. Section 20.2104 is amended by adding a new subsection (c) to section 2104 and a historical note. These added provisions read as follows:

**§ 20.2104 Statutory provisions; property within the United States.**

SEC. 2104. *Property within the United States.* * * *

(c) *Debt obligations.* For purposes of this subchapter, debt obligations of—

(1) A United States person, or

(2) The United States, a State or any political subdivision thereof, or the District of Columbia, owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States. With respect to estates of decedents dying after December 31, 1969, deposits with a domestic branch of a foreign corporation, if such branch is engaged in the commercial banking business, shall, for purposes of this subchapter, be deemed property within the United States. This subsection shall not apply to a debt obligation to which section 2105 (b) applies or to a debt obligation of a domestic corporation if any interest on such obligation, were such interest received by the decedent at the time of his death, would be treated by reason of section 861(a)(1)(B) as income from sources without the United States.

[Sec. 2104 as amended by sec. 103(c), Foreign Investors Tax Act 1966 (80 Stat. 1572); sec. 435(b), Tax Reform Act 1969 (83 Stat. 625)]

PAR. 18. Section 20.2104–1 is amended by revising subparagraphs (3), (4), (5), and (6) of paragraph (a) and by adding new subparagraphs (7) and (8) at the end of such paragraph. These amended and added provisions read as follows:

**§ 20.2104–1 Estates of nonresidents not citizens; property within the United States.**

(a) *In general.* * * *

(3) In the case of an estate of a decedent dying before November 14, 1966, written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is physically located in the United States; except that this subparagraph shall not apply to obligations of the United States (but not its instrumentalities) issued before March 1, 1941, if the decedent was not engaged in business in the United States at the time of his death. See section 2106(c).

(4) Except as specifically provided otherwise in this section or in § 20.2105–1 (which specific exceptions, in the case of estates of decedents dying on or after November 14, 1966, cause this subparagraph to have relatively limited applicability), intangible personal property the written evidence of which is not treated as being the property itself, if it is issued by or enforceable against a resident of the United States or a domestic corporation or governmental unit.

(5) Shares of stock issued by a domestic corporation, irrespective of the location of the certificates (see, however, paragraph (1) of § 20.2105–1 for a special

rule with respect to certain withdrawable accounts in savings and loan or similar associations).

(6) In the case of an estate of a decedent dying before November 14, 1966, moneys deposited in the United States by or for the decedent with any person carrying on the banking business, if the decedent was engaged in business in the United States at the time of his death.

(7) In the case of an estate of a decedent dying on or after November 14, 1966, except as specifically provided otherwise in paragraph (d), (i), (j), or (l) of § 20.2105–1, any debt obligation, including a bank deposit, the primary obligor of which is—

(i) A United States person (as defined in section 7701(a)(30)), or

(ii) The United States, a State or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any such government.

This subparagraph applies irrespective of whether the written evidence of the debt obligation is treated as being the property itself or whether the decedent was engaged in business in the United States at the time of his death. For purposes of this subparagraph and paragraphs (k) and (l) of § 20.2105–1, a debt obligation on which there are two or more primary obligors shall be apportioned among such obligors, taking into account to the extent appropriate under all the facts and circumstances any choate or inchoate rights of contribution existing among such obligors with respect to the indebtedness. The term "agency or instrumentality", as used in subdivision (ii) of this subparagraph, does not include a possession of the United States or an agency or instrumentality of a possession. Currency is not a debt obligation for purposes of this subparagraph.

(8) In the case of an estate of a decedent dying on or after January 1, 1970, except as specifically provided otherwise in paragraph (i) or (l) of § 20.2105–1, deposits with a branch in the United States of a foreign corporation, if the branch is engaged in the commercial banking business, whether or not the decedent was engaged in business in the United States at the time of his death.

* * * * *

PAR. 19. Section 20.2105 is amended by revising section 2105(b) and adding a historical note. These amended and added provisions read as follows:

**§ 20.2105 Statutory provisions; property without the United States.**

SEC. 2105. *Property without the United States.* * * *

(b) *Certain bank deposits, etc.* For purposes of this subchapter—

(1) Amounts described in section 861(c) if any interest thereon, were such interest received by the decedent at the time of his death, would be treated by reason of section 861(a)(1)(A) as income from sources without the United States, and

(2) Deposits with a foreign branch of a domestic corporation or domestic partnership, if such branch is engaged in the commercial banking business, shall not be deemed property within the United States.

* * * * *

[Sec. 2105 as amended by sec. 108(d), Foreign Investors Tax Act 1966 (80 Stat. 1572)]

PAR. 20. Section 20.2105–1 is amended by revising paragraphs (c) and (h) and by adding new paragraphs (i), (j), (k), and (l). These amended and added provisions read as follows:

**§ 20.2105–1 Estates of nonresidents not citizens; property without the United States.**

* * * * *

(c) In the case of an estate of a decedent dying before November 14, 1966, written evidence of intangible personal property which is treated as being the property itself, such as a bond for the payment of money, if it is not physically located in the United States.

* * * * *

(h) In the case of an estate of a decedent dying before November 14, 1966, moneys deposited in the United States by or for the decedent with any person carrying on the banking business, if the decedent was not engaged in business in the United States at the time of his death.

(i) In the case of an estate of a decedent dying on or after November 14, 1966, and before January 1, 1976, any amount deposited in the United States which is described in section 861(c) (relating to certain bank deposits, withdrawable accounts, and amounts held by an insurance company under an agreement to pay interest), if any interest thereon, were such interest received by the decedent at the time of his death, would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(A) (relating to interest on amounts described in section 861(c) which is not effectively connected with the conduct of a trade or business within the United States) and the regulations thereunder. If such interest would be treated by reason of those provisions as income from sources without the United States only in part, the amount described in section 861(c) shall be considered situated outside the United States in the same proportion as the part of the interest which would be treated as income from sources without the United States bears to the total amount of the interest. This paragraph applies whether or not the decedent was engaged in business in the United States at the time of his death, and, except with respect to amounts described in section 861(c)(3) (relating to amounts held by an insurance company under an agreement to pay interest), whether or not the deposit or other amount is in fact interest bearing.

(j) In the case of an estate of a decedent dying on or after November 14, 1966, deposits with a branch outside of the United States of a domestic corporation or domestic partnership, if the branch is engaged in the commercial banking business. This paragraph applies whether or not the decedent was engaged in business in the United States at the time of his death, and whether or not the deposits, upon withdrawal, are payable in currency of the United States.

(k) In the case of an estate of a decedent dying on or after November 14, 1966, except as specifically provided otherwise in paragraph (a)(8) of § 20.2104–1 with respect to estates of decedents dying on or after January 1, 1970, any debt obligation, including a bank deposit, the primary obligor of which is neither—

(1) A United States person (as defined in section 7701(a)(30)), nor

(2) The United States, a State or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any such government.

This paragraph applies irrespective of whether the written evidence of the debt obligation is treated as being the property itself or whether the decedent was engaged in business in the United States at the time of his death. See paragraph (a)(7) of § 20.2104–1 for the treatment of a debt obligation on which there are two or more primary obligors. The term "agency or instrumentality," as used in subparagraph (2) of this paragraph, does not include a possession of the United States or an agency or instrumentality of a possession. Currency is not a debt obligation for purposes of this paragraph.

(l) In the case of an estate of a decedent dying on or after November 14, 1966, any debt obligation to the extent that the primary obligor on the debt obligation is a domestic corporation, if any interest thereon, were the interest received from such obligor by the decedent at the time of his death, would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(B) (relating to interest received from a domestic corporation less than 20 percent of whose gross income for a 3-year period was derived from sources within the United States) and the regulations thereunder. For such purposes the 3-year period referred to in section 861(a)(1)(B) is the period of 3 years ending with the close of the domestic corporation's last taxable year terminating before the decedent's death. This paragraph applies whether or not (1) the obligation is in fact interest-bearing, (2) the written evidence of the debt obligation is treated as being the property itself, or (3) the decedent was engaged in business in the United States at the time of his death. See paragraph (a)(7) of § 20.2104–1 for the treatment of a debt obligation on which there are two or more primary obligors.

PAR. 21. Section 20.2106–1 is amended by revising that part of paragraph (a) which precedes subparagraph (1), paragraph (a)(3), and paragraph (c) to read as follows:

**§ 20.2106–1 Estates of nonresidents not citizens; taxable estate; deductions in general.**

(a) The taxable estate of a nonresident who was not a citizen of the United States at the time of his death is determined by adding the value of that part of his gross estate which, at the

time of his death, is situated in the United States and, in the case of an estate to which section 2107 (relating to expatriation to avoid tax) applies, any amounts includible in his gross estate under section 2107(b), and then subtracting from the sum thereof the total amount of the following deductions:

* * * * *

(3) (i) In the case of a decedent who is considered under the provisions of section 2209 to be a "nonresident not a citizen of the United States", an exemption which is the greater of—

(*a*) (*1*) $30,000 if the decedent died on or after November 14, 1966, or (2) $2,000 if the decedent died after September 14, 1960, and before November 14, 1966; or

(*b*) That proportion of $60,000 (the exemption authorized by section 2052) which the value of that part of the decedent's gross estate which is situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated.

(*ii*) In the case of every other decedent who was a nonresident, not a citizen of the United States at the time of his death, an exemption in the amount of—

(*a*) $30,000 if the decedent died on or after November 14, 1966, and the estate tax treatment of his estate is not subject to a Presidential proclamation made pursuant to a section 2108(a) (relating to the application of pre-1967 estate tax provisions in the case of a foreign country which imposes a more burdensome tax than the United States), or

(*b*) $2,000 if the decedent died before November 14, 1966, or the estate tax treatment of his estate is subject to such a proclamation,

unless a death tax convention provides for another amount, such as a prorated exemption similar to that described in subdivision (i) (*b*) of this subparagraph.

* * * * *

(c) (1) The exemption described in paragraph (a) (3) (i) of this section may be illustrated by the following example:

*Example.* The decedent, who died on January 15, 1967, is considered by reason of the provisions of section 2209 to be a nonresident not a citizen of the United States. He was a resident of the Virgin Islands, and his entire gross estate wherever situated included real property valued at $30,000 which was situated in the Virgin Islands and shares of stock issued by domestic corporations, valued at $45,000. Under §§ 20.2104–1 and 20.2105–1 only the shares of stock are considered to be situated in the United States. The amount described in paragraph (a) (3) (i) (*b*) of this section is $36,000, computed as follows:

$45,000 (value of property in United States)

$75,000 (value of entire gross estate wherever situated)

× $60,000=$36,000.

Since the amount so computed exceeds $30,000 (the amount specified in paragraph (a) (3) (i) (*a*) of this section), the exemption to be allowed the decedent's estate is $36,000.

(2) In connection with the provisions of section 2106(c), see paragraph (a) (3) and (7) of § 20.2104–1 and paragraph (d) of § 20.2105–1.

PAR. 22. Section 20.2106–2 is amended by revising that part of paragraph (a) which follows subparagraph (1), and paragraph (c), to read as follows:

§ 20.2106–2 Estates of nonresidents not citizens; deductions for expenses, losses, etc.

(a) * * *

(2) That proportion of other deductions under sections 2053 and 2054 is allowed which the value of that part of the decedent's gross estate situated in the United States at the time of his death bears to the value of the decedent's entire gross estate wherever situated. It is immaterial whether the amounts to be deducted were incurred or expended within or without the United States. For purposes of this subparagraph, an amount which is includible in the decedent's gross estate under section 2107(b) with respect to stock in a foreign corporation shall be included in the value of the decedent's gross estate situated in the United States.

No deduction is allowed under this paragraph unless the value of the decedent's entire gross estate is disclosed in the estate tax return. See paragraph (b) of § 20.2106–1.

* * * * *

(c) The application of this section and of § 20.2106–1 may be illustrated by the following examples:

*Example (1).* The decedent died on June 1, 1967, a nonresident not a citizen of the United States. He was not an expatriate to whom section 2107(a) applies, and the estate tax treatment of his estate is not subject to a presidential proclamation made pursuant to section 2108(a). His gross estate wherever situated amounts to $1 million, of which $200,000 (or 20 percent) represents the value of the property having its situs within the United States. The funeral expenses, administration expenses, and claims against the estate aggregate $175,000, and there are charitable bequests, for use within the United States, amounting to $25,000. The decedent's taxable estate is determined as follows:

| | |
|---|---|
| That part of the entire gross estate situated in the United States | $200,000 |
| Deductions for expenses and claims (20 percent of $175,000) | 35,000 |
| Charitable deduction | 25,000 |
| Exemption | 30,000 |
| Total | 90,000 |
| Taxable estate | 110,000 |

For the manner of computing the tax on the taxable estate, see § 20.2101–1.

*Example (2).* Assume the same facts as those given in example (1) except that the decedent was an expatriate to whom section 2107(a) applies and that the part of his property not situated in the United States includes shares of stock issued by a foreign corporation with respect to which $300,000 is included in his gross estate under section 2107(b). Thus, the value of that part of the gross estate situated in the United States equals $500,000 (or 50 percent of $1 million). In this case, the decedent's taxable estate is determined as follows:

| | |
|---|---|
| That part of the entire gross estate situated in the United States | $200,000 |
| Amount included in gross estate under section 2107(b) and deemed situated in the United States | 300,000 |
| Total | 500,000 |
| Deductions for expenses and claims (50 percent of $175,000) | 87,500 |
| Charitable deduction | 25,000 |
| Exemption | 30,000 |
| Total | 142,500 |
| Taxable estate | 357,500 |

For the manner of computing the tax on the taxable estate, see § 20.2107–1.

PAR. 23. Immediately after § 20.2106–2 the following new sections are inserted:

§ 20.2107 Statutory provisions; expatriation to avoid tax.

SEC. 2107. *Expatriation to avoid tax*—(a) *Rate of tax.* A tax computed in accordance with the table contained in section 2001 is hereby imposed on the transfer of the taxable estate, determined as provided in section 2106, of every decedent nonresident not a citizen of the United States dying after the date of enactment of this section, if after March 8, 1965, and within the 10-year period ending with the date of death such decedent lost U.S. citizenship, unless such loss did not have for one of its principal purposes the avoidance of taxes under this subtitle or subtitle A.

(b) *Gross estate.* For purposes of the tax imposed by subsection (a), the value of the gross estate of every decedent to whom subsection (a) applies shall be determined as provided in section 2103, except that—

(1) If such decedent owned (within the meaning of section 958(a)) at the time of his death 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation, and

(2) If such decedent owned (within the meaning of section 958(a)), or is considered to have owned (by applying the ownership rules of section 958(b)), at the time of his death, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of such foreign corporation,

then that proportion of the fair market value of the stock of such foreign corporation owned (within the meaning of section 958 (a)) by such decedent at the time of his death, which the fair market value of any assets owned by such foreign corporation and situated in the United States, at the time of his death, bears to the total fair market value of all assets owned by such foreign corporation at the time of his death, shall be included in the gross estate of such decedent. For purposes of the preceding sentence, a decedent shall be treated as owning stock of a foreign corporation at the time of his death if, at the time of a transfer, by trust or otherwise, within the meaning of sections 2035 to 2038, inclusive, he owned such stock.

(c) *Credits.* The tax imposed by subsection (a) shall be credited with the amounts determined in accordance with section 2102.

(d) *Exception for loss of citizenship for certain causes.* Subsection (a) shall not apply to the transfer of the estate of a decedent whose loss of U.S. citizenship resulted from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended (8 U.S.C. 1401(b), 1482, or 1487).

(e) *Burden of proof.* If the Secretary or his delegate establishes that it is reasonable to believe that an individual's loss of U.S. citi-

zenship would, but for this section, result in a substantial reduction in the estate, inheritance, legacy, and succession taxes in respect of the transfer of his estate, the burden of proving that such loss of citizenship did not have for one of its principal purposes the avoidance of taxes under this subtitle or subtitle A shall be on the executor of such individual's estate.

[Sec. 2107 as added by sec. 108(f), Foreign Investors Tax Act 1966 (80 Stat. 1573)]

§ 20.2107–1 Expatriation to avoid tax.

(a) *Rate of tax.* The tax imposed by section 2107(a) on the transfer of the taxable estates of certain nonresident expatriate decedents who were formerly citizens of the United States is computed in accordance with the table contained in section 2001, relating to the rate of the tax imposed on the transfer of the taxable estates of decedents who were citizens or residents of the United States. Except for any amounts included in the gross estate solely by reason of section 2107(b) and paragraph (b)(1)(ii) and (iii) of this section, the value of the taxable estate to be used in this computation is determined as provided in section 2106 and § 20.2106–1. The decedents to which section 2107(a) and this section apply are described in paragraph (d) of this section.

(b) *Gross estate*—(1) *Determination of value*—(i) *General rule.* Except as provided in subdivision (ii) of this subparagraph with respect to stock in certain foreign corporations, for purposes of the tax imposed by section 2107(a) the value of the gross estate of every estate the transfer of which is subject to the tax imposed by that section is determined as provided in section 2103 and § 20.2103–1.

(ii) *Amount includible with respect to stock in certain foreign corporations.* If at the time of his death a nonresident expatriate decedent the transfer of whose estate is subject to the tax imposed by section 2107(a)—

(*a*) Owned (within the meaning of section 958(a) and the regulations thereunder) 10 percent or more of the total combined voting power of all classes of stock entitled to vote in a foreign corporation, and

(*b*) Owned (within the meaning of section 958(a) and the regulations thereunder), or is considered to have owned (by applying the ownership rules of section 958(b) and the regulations thereunder), more than 50 percent of the total combined voting power of all classes of stock entitled to vote in such foreign corporation,

then section 2107(b) requires the inclusion in the decedent's gross estate, in addition to amounts otherwise includible therein under subdivision (i) of this subparagraph, of an amount equal to that proportion of the fair market value (determined at the time of the decedent's death or, if so elected by the executor of the decedent's estate, on the alternate valuation date as provided in section 2032) of the stock in such foreign corporation owned (within the meaning of section 958(a) and the regulations thereunder) by the decedent at the time of his death, which the fair market value of any assets owned by such foreign corporation and situated in the United States, at the time of his death, bears to the total fair market value of all assets owned by such foreign corporation at the time of his death.

(iii) *Rules of application.* (*a*) In determining the proportion of the fair market value of the stock which is includible in the gross estate under subdivision (ii) of this subparagraph, the fair market value of the foreign corporation's assets situated in the United States and of its total assets shall be determined without reduction for any outstanding liabilities of the corporation.

(*b*) For purposes of subdivision (ii) of this subparagraph, the foreign corporation's assets which are situated in the United States shall be all its property which, by applying the provisions of sections 2104, 2105, and §§ 20.2104–1 and 20.2105–1, would be considered to be situated in the United States if such property were property of a nonresident who was not a citizen of the United States.

(*c*) For purposes of subdivision (ii)(*a*) of this subparagraph, a decedent is treated as owning stock in a foreign corporation at the time of his death to the extent he owned (within the meaning of section 958(a) and the regulations thereunder) the stock at the time he made a transfer of the stock in a transfer described in sections 2035 to 2038, inclusive (relating respectively to transfers made in contemplation of death, transfers with a retained life estate, transfers taking effect at death, and revocable transfers). For purposes of subdivision (ii)(*b*) of this subparagraph, a decedent is treated as owning stock in a foreign corporation at the time of his death to the extent he owned (within the meaning of section 958(a) and the regulations thereunder), or is considered to have owned (by applying the ownership rules of section 958(b) and the regulations thereunder), the stock at the time he made a transfer of the stock in a transfer described in sections 2035 to 2038, inclusive. In applying the proportion rule of section 2107(b) and subdivision (ii) of this subparagraph where a decedent is treated as owning stock in a foreign corporation at the time of his death by reason of having transferred his interest in such stock in a transfer described in sections 2035 to 2038, inclusive, the proportionate value of the interest includible in his gross estate is based upon the value as of the applicable valuation date described in section 2031 or 2032 of the amount, determined as of the date of transfer, of his interest in the stock. See example (2) in subparagraph (2) of this paragraph.

(*d*) For purposes of applying subdivision (ii)(*b*) of this subparagraph, the same shares of stock may not be counted more than once. See example (2) in subparagraph (2) of this paragraph.

(*e*) The principles applied in paragraph (b) of § 1.957–1 of this chapter (Income Tax Regulations) for determining what constitutes total combined voting power of all classes of stock entitled to vote in a foreign corporation for purposes of section 957(a) shall be applied in determining what constitutes total combined voting power of all classes of stock entitled to vote in a foreign corporation for purposes of section 2107(b) and subdivision (ii) of this subparagraph. In applying such principles under this paragraph changes in language shall be made, where necessary, in order to treat the nonresident expatriate decedent, rather than U.S. shareholders, as owning such total combined voting power.

(2) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* (a) At the time of his death, H, a nonresident expatriate decedent the transfer of whose estate is subject to the tax imposed by section 2107(a), owned a 60-percent interest in M Company, a foreign partnership, which in turn owned stock issued by N Corporation, a foreign corporation. The stock in N Corporation held by M Company, which constituted 50 percent of the total combined voting power of all classes of stock entitled to vote in N Corporation, was valued at $50,000 at the time of H's death. In addition, W, H's wife, also a nonresident not a citizen of the United States, owned at the time of H's death stock in N Corporation constituting 25 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The fair market value of the assets of N Corporation which, at the time of H's death, were situated in the United States constituted 40 percent of the fair market value of all assets of that corporation. It is assumed for purposes of this example that the executor of H's estate has not elected to value the estate on the alternate valuation date provided in section 2032.

(b) The test contained in subparagraph (1)(ii)(*a*) of this paragraph is met since at the time of his death H indirectly owned (within the meaning of section 958(a) and the regulations thereunder) 30 percent (60 percent of 50 percent) of the total combined voting power of all classes of stock entitled to vote in N Corporation; and the test contained in subparagraph (1)(ii)(*b*) of this paragraph is met since at such time H owned or is considered to have owned (within the meaning of section 958 (a) and (b) and the regulations thereunder) 55 percent of the total combined voting power of all classes of stock entitled to vote in N Corporation (having constructive ownership of his wife's 25 percent, in addition to his own indirect ownership of 30 percent, of the total combined voting power). Accordingly, $13,000 is included in H's gross estate by reason of section 2107(b) and this paragraph. This $13,000 is the amount which is equal to 40 percent (the percentage of the fair market value of N Corporation's asset which were situated within the United States at H's death) of $30,000 (the fair market value of the stock then owned by H within the meaning of section 958(a) and the regulations thereunder, i.e., H's 60-percent interest in the $50,000 fair market value of stock held by M Company).

*Example (2).* (a) Assume the same facts as those given in example (1) except that H made a transfer to W in contemplation of his death (within the meaning of section 2035) of his 60-percent interest in M company, that on the date of the transfer M company held stock in N corporation constituting 80 percent of the total combined voting power of all classes of stock entitled to vote in that corporation (rather than the 50 percent of total combined voting power held by M company on the date of H's death).

and that the 80 percent of total combined voting power owned by M company on the date of the transfer is valued at $70,000 on that date and at $85,000 at the time of H's death. It is assumed for purposes of this example that the 60-percent interest in M company was held by W at the time of H's death.

(b) The test contained in subparagraph (1)(ii)(*a*) of this paragraph is met since, under subparagraph (1)(iii)(*c*) of this paragraph, H is treated as owning (within the meaning of section 958(a) and the regulations thereunder), at the time of his death, the 48 percent (60 percent of 80 percent) of the total combined voting power of all classes of stock entitled to vote in N corporation represented by his transferred interest in M company; and the test contained in subparagraph (1)(ii)(*b*) of this paragraph is met since, under that subparagraph and subparagraph (1)(iii)(*c*) of this paragraph, H is treated as owning (within the meaning of section 958 (a) or (b)), at the time of his death, 73 percent (48 percent plus 25 percent) of the total combined voting power of all classes of stock entitled to vote in N corporation. Accordingly, $20,400 is included in H's gross estate by reason of section 2107 (b) and this paragraph. This $20,400 is the amount which is equal to 40 percent (the percentage of the fair market value of N corporation's assets which were situated within the United States at H's death) of $51,000 (the fair market value at the time of H's death of the transferred interest which under subparagraph (1)(iii)(*c*) of this paragraph H is considered to own within the meaning of section 958(a) and the regulations thereunder at that time, i.e., the 60-percent interest in the $85,000 fair market value at that time of the 80-percent total combined voting power held by M company on the date of transfer).

(c) The fact that the stock in N corporation owned by M company is considered under subparagraph (1)(ii)(*b*) of this paragraph to be owned by H for two independent reasons (i.e., under section 958(a) and the regulations thereunder, because H transferred his 60-percent interest in M company to W in contemplation of death, and under section 958(b) and the regulations thereunder, because H is considered to own the stock in N corporation indirectly owned by his wife, W, by reason of her ownership of such transferred interest) does not cause the shares of stock represented by the transferred interest in M company to be counted twice in determining whether the test contained in that subparagraph is met. See subparagraph (1)(iii)(*d*) of this paragraph.

*Example (3).* (a) At the time of his death, H, a nonresident expatriate decedent the transfer of whose estate is subject to the tax imposed by section 2107(a), owned a 40-percent beneficial interest in a domestic trust; at that time he also directly owned stock in P corporation, a foreign corporation, constituting 15 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The trust owned stock in P corporation constituting 51 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The stock in P corporation owned directly by H was valued at $20,000 on the alternate valuation date determined pursuant to an election under section 2032. The fair market value of the assets of P corporation which, at the time of H's death, were situated in the United States constituted 20 percent of the fair market value of all assets of that corporation.

(b) By reason of section 958(b)(2) and the regulations thereunder, the trust is considered to own all the stock entitled to vote in P corporation since it owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote in that corporation. The test contained in subparagraph (1)(ii)(*a*) of this paragraph is met since at the time of his death H owned (within the meaning of section 958(a) and the regulations thereunder) 15 percent of the total combined voting power of all classes of stock entitled to vote in P corporation; the stock in P corporation owned by the trust is not considered to have been owned by H under section 958(a)(2) since the trust is not a foreign trust. In addition, the test contained in subparagraph (1)(ii)(*b*) of this paragraph is met since at the time of his death H owned or is considered to have owned (within the meaning of section 958 (a) and (b) and the regulations thereunder) 55 percent of the total combined voting power of all classes of stock entitled to vote in that corporation (his 15 percent directly owned plus his 40 percent (40 percent of 100 percent) considered to be owned). Accordingly, $4,000 is included in H's gross estate by reason of section 2107(b) of this paragraph. This $4,000 is the amount which is equal to 20 percent (the percentage of the fair market value of P corporation's assets which were situated within the United States at H's death) of $20,000 (the fair market value of the stock then owned by H within the meaning of section 958(a) and the regulations thereunder). In addition, the value of H's interest in the domestic trust is included in his gross estate under section 2103 to the extent it constitutes property having a situs in the United States.

(c) *Credits.* Credits against the tax imposed by section 2107(a) are allowed for any amounts determined in accordance with section 2102 and § 20.2102–1 (relating to credits against the estate tax for State death taxes, gift tax, and tax on prior transfers). In computing the special limitation on the credit for State death taxes contained in section 2102(b) and paragraph (b) of § 20.2102–1, amounts included in the gross estate under section 2107(b) and paragraph (b) (1) of this section are to be taken into account.

(d) *Decedents to whom the tax imposed by section 2107(a) applies*—(1) *General rule.* The tax imposed by section 2107(a) applies to the transfer of the taxable estate of every decedent nonresident not a citizen of the United States dying on or after November 14, 1966, who lost his U.S. citizenship after March 8, 1965, and within the 10-year period ending with the date of his death, except in the case of the estate of a decedent whose loss of U.S. citizenship either—

(i) Resulted from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended (8 U.S.C. 1401(b), 1482, or 1487); or

(ii) Did not have for one of its principal purposes (but not necessarily its only principal purpose) the avoidance of Federal income, estate, or gift tax.

Section 301(b) of the Immigration and Nationality Act provides generally that a U.S. citizen, who is born outside the United States of parents one of whom is an alien and the other is a U.S. citizen who was physically present in the United States for a specified period, shall lose his U.S. citizenship if, within a specified period preceding the age of 28 years, he fails to be continuously physically present in the United States for at least 5 years. Section 350 of that Act provides that under certain circumstances a person, who at birth acquired the nationality of the United States and of a foreign country and who has voluntarily sought or claimed benefits of the nationality of any foreign country, shall lose his U.S. nationality if, after attaining the age of 22 years, he has a continuous residence for 3 years in the foreign country of which he is a national by birth. Section 355 of that Act provides that a person having U.S. nationality, who is under 21 years of age and whose residence is in a foreign country with or under the legal custody of a parent who loses his U.S. nationality under specified circumstances, shall lose his U.S. nationality if he has or acquires the nationality of that foreign country and attains the age of 25 years without having established his residence in the United States. Section 2107 and this section do not apply to the transfer of any estate the estate tax treatment of which is subject to a Presidential proclamation made pursuant to section 2108(a) (relating to the application of pre-1967 estate tax provisions in the case of a foreign country which imposes a more burdensome tax than the United States).

(2) *Burden of proof*—(i) *General rule.* In determining for purposes of subparagraph (1)(ii) of this paragraph whether a principal purpose for the loss of U.S. citizenship by a decedent was the avoidance of Federal income, estate, or gift tax, the Commissioner must first establish that it is reasonable to believe that the decedent's loss of U.S. citizenship would, but for section 2107 and this section, result in a substantial reduction in the sum of (*a*) the Federal estate tax and (*b*) all estate, inheritance, legacy, and succession taxes imposed by foreign countries and political subdivisions thereof, in respect of the transfer of the decedent's estate. Once the Commissioner has so established, the burden of proving that the loss of citizenship by the decedent did not have for one of its principal purposes the avoidance of Federal income, estate, or gift tax shall be on the executor of the decedent's estate.

(ii) *Tentative determination of substantial reduction in Federal and foreign death taxes.* In the absence of complete factual information, the Commissioner may make a tentative determination, based on the information available, that the decedent's loss of U.S. citizenship would, but for section 2107 and this section, result in a substantial reduction in the sum of the Federal and foreign death taxes described in subdivision (i) (*a*) and (*b*) of this subparagraph. This tentative determination may be based upon the fact that the laws of the foreign country of which the decedent became a citizen and the laws of the foreign country of which the decedent was a resident at the time of his death, including the laws of any political subdivisions of those foreign countries, would ordinarily result, in the case of an estate of a nonexpatriate decedent having the same citizenship and residence as the decedent, in liability for total death taxes under

such laws substantially lower than the amount of the Federal estate tax which would be imposed on the transfer of a comparable estate of a citizen of the United States. In the absence of a preponderance of evidence to the contrary, this tentative determination shall be sufficient to establish that it is reasonable to believe that the decedent's loss of U.S. citizenship would, but for section 2107 and this section, result in a substantial reduction in the sum of the Federal and foreign death taxes described in subdivision (i) (*a*) and (*b*) of this subparagraph.

**§ 20.2108 Statutory provisions; application of pre-1967 estate tax provisions.**

SEC. 2108. *Application of pre-1967 estate tax provisions*—(a) *Imposition of more burdensome tax by foreign country.* Whenever the President finds that—

(1) Under the laws of any foreign country, considering the tax system of such foreign country, a more burdensome tax is imposed by such foreign country on the transfer of estates of decedents who were citizens of the United States and not residents of such foreign country than the tax imposed by this subchapter on the transfer of estates of decedents who were residents of such foreign country,

(2) Such foreign country, when requested by the United States to do so, has not acted to revise or reduce such tax so that it is no more burdensome than the tax imposed by this subchapter on the transfer of estates of decedents who were residents of such foreign country, and

(3) It is in the public interest to apply pre-1967 tax provisions in accordance with this section to the transfer of estates of decedents who were residents of such foreign country.

the President shall proclaim that the tax on the transfer of the estate of every decedent who was a resident of such foreign country at the time of his death shall, in the case of decedents dying after the date of such proclamation, be determined under this subchapter without regard to amendments made to sections 2101 (relating to tax imposed), 2102 (relating to credits against tax), 2106 (relating to taxable estate), and 6018 (relating to estate tax returns) on or after the date of enactment of this section.

(b) *Alleviation of more burdensome tax.* Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under subsection (a) have been modified so that the tax on the transfer of estates of decedents who were citizens of the United States and not residents of such foreign country is no longer more burdensome than the tax imposed by this subchapter on the transfer of estates of decedents who were residents of such foreign country, he shall proclaim that the tax on the transfer of the estate of every decedent who was a resident of such foreign country at the time of his death shall, in the case of decedents dying after the date of such proclamation, be determined under this subchapter without regard to subsection (a).

(c) *Notification of Congress required.* No proclamation shall be issued by the President pursuant to this section unless, at least 30 days prior to such proclamation, he has notified the Senate and the House of Representatives of his intention to issue such proclamation.

(d) *Implementation by regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary or appropriate to implement this section.

[Sec. 2108 as added by sec. 108(f), Foreign Investors Tax Act 1966 (80 Stat. 1573)]

PAR. 24. Section 20.6018 is amended by revising section 6018(a)(2) and adding a historical note. These amended and added provisions read as follows:

**§ 20.6018 Statutory provisions; estate tax returns.**

SEC. 6018. *Estate tax returns*—(a) *Returns by executor.* * * *

(2) *Nonresidents not citizens of the United States.* In the case of the estate of every nonresident not a citizen of the United States if that part of the gross estate which is situated in the United States exceeds $30,000, the executor shall make a return with respect to the estate tax imposed by subtitle B.

* * * * *

(Sec. 6018 as amended by sec. 108(g), Foreign Investors Tax Act 1966 (80 Stat. 1574))

PAR. 25. Section 20.6018–1 is amended by revising paragraph (b) to read as follows:

**§ 20.6018–1 Returns.**

* * * * *

(b) *Estates of nonresidents not citizens*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, a return must be filed on Form 706 or Form 706NA for the estate of every nonresident not a citizen of the United States if the value of that part of the gross estate situated in the United States on the date of his death exceeded $30,000 in the case of a decedent dying on or after November 14, 1966, or $2,000 in the case of a decedent dying before November 14, 1966. Under certain conditions the return may be made only on Form 706. See the instructions on Form 706NA for circumstances under which that form may not be used. Duplicate copies of the return are not required to be filed. For the contents of the return, see § 20.6018–3. For the determination of the gross estate situated in the United States, see §§ 20.2103–1 and 20.2104–1.

(2) *Certain estates of decedents dying on or after November 14, 1966.* In the case of an estate of a nonresident not a citizen of the United States dying on or after November 14, 1966—

(i) *Transfers subject to the tax imposed by section 2107(a).* If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts includible in the decedent's gross estate under section 2107(b) are to be added to the value on the date of his death of that part of his gross estate situated in the United States, for purposes of determining under subparagraph (1) of this paragraph whether his gross estate exceeded $30,000 on the date of his death.

(ii) *Transfers subject to a Presidential proclamation.* If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), the return must be filed on Form 706 or Form 706NA if the value on the date of the decedent's death of that part of his gross estate situated in the United States exceeded $2,000.

* * * * *

PAR. 26. Section 20.6018–3 is amended by revising paragraph (b) to read as follows:

**§ 20.6018–3 Returns; contents of returns.**

* * * * *

(b) *Nonresidents not citizens.* The return of an estate of a decedent who was not a citizen or resident of the United States at the time of his death must contain the following information: (1) An itemized list of that part of the gross estate situated in the United States (see §§ 20.2103–1 and 20.2104–1); (2) in the case of an estate the transfer of which is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), a list of any amounts with respect to stock in a foreign corporation which are includible in the gross estate under section 2107(b), together with an explanation of how the amounts were determined; (3) an itemized list of any deductions claimed (see §§ 20.2106–1 and 20.2106–2); (4) the amount of the taxable estate (see § 20.2106–1); and (5) the gross estate tax, reduced by any credits against the tax (see § 20.2102–1). For the disallowance of certain deductions if the return does not disclose that part of the gross estate not situated in the United States, see §§ 20.2106–1 and 20.2106–2.

* * * * *

PAR. 27. Section 20.6018–4 is amended by revising pargraph (c) to read as follows:

**§ 20.6018–4 Returns; documents to accompany the return.**

* * * * *

(c) In the case of an estate of a nonresident not a citizen of the United States, the executor must also file with the return, but only if deductions are claimed or the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), a copy of the inventory of property filed under the foreign death duty act; or, if no such inventory was filed, a certified copy of the inventory filed with the foreign court of probate jurisdiction.

* * * * *

PAR. 28. Section 20.6036–1 is amended by revising paragraph (a) to read as follows:

**§ 20.6036–1 Notice of qualification as executor.**

(a) *Preliminary notice for estates of decedents dying before January 1, 1971.* (1) A preliminary notice must be filed on Form 704 for the estate of every citizen or resident of the United States whose gross estate exceeded $60,000 in value on the date of his death.

(2) In the case of a nonresident not a citizen of the United States dying on or after November 14, 1966—

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, a preliminary notice must be filed on Form 705 if that part of the decedent's

gross estate situated in the United States exceeded $30,000 in value on the date of his death (see §§ 20.2103–1 and 20.2104–1).

(ii) If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts includible in the decedent's gross estate under section 2107(b) are to be added to the value on the date of his death of that part of his gross estate situated in the United States, for purposes of determining under subdivision (i) of this subparagraph whether his gross estate exceeded $30,000 in value on the date of his death.

(iii) If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), a preliminary notice must be filed on Form 705 if the value on the date of the decedent's death of that part of his gross estate situated in the United States exceeded $2,000.

(3) A preliminary notice must be filed on Form 705 for the estate of every nonresident not a citizen of the United States dying before November 14, 1966, if the value on the date of his death of that part of his gross estate situated in the United States exceeded $2,000.

(4) The value of the gross estate on the date of death governs with respect to the requirement for filing the preliminary notice irrespective of whether the value of the gross estate is, at the executor's election, finally determined pursuant to the provisions of section 2032 as of a date subsequent to the date of death. If there is doubt as to whether the gross estate exceeds $60,000, $30,000, or $2,000, as the case may be, the notice shall be filed as a matter of precaution in order to avoid the possibility of penalties attaching.

(5) The primary purpose of the preliminary notice is to advise the Internal Revenue Service of the existence of taxable estates, and filing shall not be delayed beyond the period provided for in § 20.6071–1 merely because of uncertainty as to the exact value of the assets. The estimate of the gross estate called for by the notice shall be the best approximation of value which can be made within the time allowed. Duplicate copies of the preliminary notice are not required to be filed.

(6) For criminal penalties for failure to file a notice and filing a false or fraudulent notice, see sections 7203, 7207, and 7269. See § 20.6091–1 for the place for filing the notice. See § 20.6071–1 for the time for filing the notice.

* * * * *

PAR. 29. Section 20.6325–1 is amended by revising paragraph (b) to read as follows:

§ 20.6325–1 Release of lien or partial discharge of property; transfer certificates in nonresident estates.

* * * * *

(b) (1) In the case of a nonresident not a citizen of the United States dying on or after November 14, 1966—

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of his death of that part of his gross estate situated in the United States did not exceed $30,000.

(ii) If the transfer of the estate is subject to the tax imposed by section 2107(a) (relating to expatriation to avoid tax), any amounts which are includible in the decedent's gross estate under section 2107(b) are to be added to the value on the date of his death of that part of his gross estate situated in the United States, for purposes of determining under subdivision (i) of this subparagraph whether his gross estate did or did not exceed $30,000 in value on the date of his death.

(iii) If the transfer of the estate is subject to tax pursuant to a Presidential proclamation made under section 2108(a) (relating to Presidential proclamations of the application of pre-1967 estate tax provisions), a transfer certificate is not required with respect to the transfer of any property of the decedent if the value on the date of his death of that part of his gross estate situated in the United States did not exceed $2,000.

(2) In the case of a nonresident not a citizen of the United States dying before November 14, 1966, a transfer certificate is not required with respect to the transfer of (i) any property of the decedent, if the value on the date of his death of that part of his gross estate situated in the United States did not exceed $2,000, or (ii) bonds owned by such a decedent if it is shown that the bonds were not physically situated in the United States at the time of his death.

(3) A corporation, transfer agent, bank, trust company, or other custodian will not incur liability for a transfer of the decedent's property without a transfer certificate if the corporation or other person, having no information to the contrary, first receives from the executor or other responsible person, who may be reasonably regarded as in possession of the pertinent facts, a statement of the facts relating to the estate showing that the sum of the value on the date of the decedent's death of that part of his gross estate situated in the United States, and, if applicable, any amounts includible in his gross estate under section 2107(b), is such an amount that, pursuant to the provisions of subparagraph (1) or subparagraph (2)(i) of this paragraph, a transfer certificate is not required.

(4) For the determination of the gross estate situated in the United States, see §§ 20.2103–1 and 20.2104–1.

* * * * *

B. Part 25 of 26 CFR Chapter I is amended as follows:

PAR. 30. Section 25.2501–1 is amended by revising paragraph (a) to read as follows:

§ 25.2501–1 Imposition of tax.

(a) *In general.* (1) The tax applies to all transfers by gift of property, wherever situated, by an individual who is a citizen or resident of the United States, to the extent the value of the transfers exceeds the amount of the exclusions authorized by section 2503 and the deductions authorized by sections 2521, 2522, and 2523. For the first calendar quarter of 1971 and each calendar quarter thereafter, the tax described in this subparagraph is imposed on the transfer of property by gift during such calendar quarter. For calendar years after 1954 and before 1971, the tax described in this subparagraph is imposed on the transfer of property by gift during such calendar year.

(2) The tax does not apply to a transfer by gift of intangible property before January 1, 1967, by a nonresident not a citizen of the United States, unless the donor was engaged in business in the United States during the calendar year in which the transfer was made.

(3) (i) The tax does not apply to any transfer by gift of intangible property on or after January 1, 1967, by a nonresident not a citizen of the United States (whether or not he was engaged in business in the United States), unless the donor is an expatriate who lost his U.S. citizenship after March 8, 1965, and within the 10-year period ending with the date of transfer, and the loss of citizenship—

(*a*) Did not result from the application of section 301(b), 350, or 355 of the Immigration and Nationality Act, as amended (8 U.S.C. 1401(b), 1482, or 1487) (For a summary of these sections, see paragraph (d)(1) of § 202.107–1 of this chapter (estate tax regulations)), and

(*b*) Had for one of its principal purposes (but not necessarily its only principal purpose) the avoidance of Federal income, estate, or gift tax.

(ii) In determining for purposes of subdivision (i)(*b*) of this subparagraph whether a principal purpose for the loss of U.S. citizenship by a donor was the avoidance of Federal income, estate, or gift tax, the Commissioner must first establish that it is reasonable to believe that the donor's loss of U.S. citizenship would, but for section 2501(a)(3) and this subparagraph, result in a substantial reduction for the calendar quarter in the sum of (*a*) the Federal gift tax and (*b*) all gift taxes imposed by foreign countries and political subdivisions thereof, in respect of the transfer of property by gift. Once the Commissioner has so established, the burden of proving that the loss of citizenship by the donor did not have for one of its principal purposes the avoidance of Federal income, estate, or gift tax shall be on the donor. In the absence of complete factual information, the Commissioner may make a tentative determination, based on the information available, that the donor's loss of U.S. citizenship would, but for section 2501(a)(3) and this subparagraph, result in a substantial reduction for the calendar quarter in the sum of the Federal and foreign gift taxes described in (*a*) and (*b*) of this subdivision on the transfer of property by gift. This tentative determination may be based upon the fact that the laws of the foreign country of which the donor became a

citizen and the laws of the foreign country of which the donor was a resident at the time of the transfer, including the laws of any political subdivision of those foreign countries, would ordinarily result, in the case of a nonexpatriate donor having the same citizenship and residence as the donor, in liability for total gift taxes under such laws for the calendar quarter substantially lower than the amount of the Federal gift tax which would be imposed for such quarter on an amount of comparable gifts by a citizen of the United States. In the absence of a preponderance of evidence to the contrary, this tentative determination shall be sufficient to establish that it is reasonable to believe that the donor's loss of U.S. citizenship would, but for section 2501(a)(3) and this subparagraph, result in a substantial reduction for the calendar quarter in the sum of the Federal and foreign gift taxes described in (*a*) and (*b*) of this subdivision on the transfer of property by gift.

(iii) The term "calendar quarter," as used in subdivision (ii) of this subparagraph, shall be construed to mean "calendar year" in the case of gifts made during calendar years before 1971.

(4) For additional rules relating to the application of the tax to transfers by nonresidents not citizens of the United States, see section 2511 and § 25.2511–3.

* * * * *

PAR. 31. Section 25.2511 is amended by revising section 2511(b) and adding a historical note. These amended and added provisions read as follows:

**§ 25.2511 Statutory provisions; transfers in general.**

SEC. 2511. *Transfers in general.* * * *

(b) *Intangible property.* For purposes of this chapter, in the case of a nonresident not a citizen of the United States who is excepted from the application of section 2501(a)(2)—

(1) Shares of stock issued by a domestic corporation, and

(2) Debt obligations of—

(A) A United States person, or

(B) The United States, a State or any political subdivision thereof, or the District of Columbia,

which are owned and held by such nonresident shall be deemed to be property situated within the United States.

[Sec. 2511 as amended by sec. 109(b), Foreign Investors Tax Act 1966 (80 Stat. 1575)]

PAR. 32. Section 25.2511–1 is amended by revising paragraph (b) to read as follows:

**§ 25.2511–1 Transfers in general.**

* * * * *

(b) In the case of a gift by a nonresident not a citizen of the United States—

(1) If the gift was made on or after January 1, 1967, by a donor who was not an expatriate to whom section 2501(a)(2) was inapplicable on the date of the gift by reason of section 2501(a)(3) and paragraph (a)(3) of § 25.2501–1, or

(2) If the gift was made before January 1, 1967, by a donor who was not engaged in business in the United States during the calendar year in which the gift was made,

the gift tax applies only if the gift consisted of real property or tangible personal property situated within the United States at the time of the transfer. See §§ 25.2501–1 and 25.2511–3.

* * * * *

PAR. 33. Section 25.2511–3 is amended to read as follows:

**§ 25.2511–3 Transfers by nonresidents not citizens.**

(a) *In general.* Sections 2501 and 2511 contain rules relating to the taxation of transfers of property by gift by a donor who is a nonresident not a citizen of the United States. (See paragraph (b) of § 25.2501–1 for the definition of the term "resident" for purposes of the gift tax.) As combined these rules are:

(1) The gift tax applies only to the transfer of real property and tangible personal property situated in the United States at the time of the transfer if either—

(i) The gift was made on or after January 1, 1967, by a nonresident not a citizen of the United States who was not an expatriate to whom section 2501(a)(2) was inapplicable on the date of the gift by reason of section 2501(a)(3) and paragraph (a)(3) of § 25.2501–1, or

(ii) The gift was made before January 1, 1967, by a nonresident not a citizen of the United States who was not engaged in business in the United States during the calendar year in which the gift was made.

(2) The gift tax applies to the transfer of all property (whether real or personal, tangible or intangible) situated in the United States at the time of the transfer if either—

(i) The gift was made on or after January 1, 1967, by a nonresident not a citizen of the United States who was an expatriate to whom section 2501(a)(2) was inapplicable on the date of the gift by reason of section 2501(a)(3) and paragraph (a)(3) of § 25.2501–1, or

(ii) The gift was made before January 1, 1967, by a nonresident not a citizen of the United States who was engaged in business in the United States during the calendar year in which the gift was made.

(b) *Situs of property.* For purposes of applying the gift tax to the transfer of property owned and held by a nonresident not a citizen of the United States at the time of the transfer—

(1) *Real property and tangible personal property.* Real property and tangible personal property constitute property within the United States only if they are physically situated therein.

(2) *Intangible personal property.* Except as provided otherwise in subparagraphs (3) and (4) of this paragraph, intangible personal property constitutes property within the United States if it consists of a property right issued by or enforceable against a resident of the United States or a domestic corporation (public or private), irrespective of where the written evidence of the property is physically located at the time of the transfer.

(3) *Shares of stock.* Irrespective of where the stock certificates are physically located at the time of the transfer—

(i) Shares of stock issued by a domestic corporation constitute property within the United States, and

(ii) Shares of stock issued by a corporation which is not a domestic corporation constitute property situated outside the United States.

(4) *Debt obligations.* (i) In the case of gifts made on or after January 1, 1967, a debt obligation, including a bank deposit, the primary obligor of which is a United States person (as defined in section 7701(a)(30)), the United States, a State, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any such government constitutes property situated within the United States. This subdivision applies—

(*a*) In the case of a debt obligation of a domestic corporation, whether or not any interest on the obligation would be treated under section 862(a)(1) as income from sources without the United States by reason of section 861(a)(1)(B) (relating to interest received from a domestic corporation less than 20 percent of whose gross income for a 3-year period was derived from sources within the United States) and the regulations thereunder;

(*b*) In the case of an amount described in section 861(c) (relating to certain bank deposits, withdrawable accounts, and amounts held by an insurance company under an agreement to pay interest), whether or not any interest thereon would be treated under section 862(a)(1) as income from sources without the United States, by reason of section 861(a)(1)(A) (relating to interest on amounts described in section 861(c) which is not effectively connected with the conduct of a trade or business within the United States) and the regulations thereunder;

(*c*) In the case of a deposit with a domestic corporation or domestic partnership, whether or not the deposit is with a foreign branch thereof engaged in the commercial banking business; and

(*d*) Irrespective of where the written evidence of the debt obligation is physically located at the time of the transfer.

For purposes of this subdivision, a debt obligation on which there are two or more primary obligors shall be apportioned among such obligors, taking into account to the extent appropriate under all the facts and circumstances any choate or inchoate rights of contribution existing among such obligors with respect to the indebtedness. The term "agency or instrumentality," as used in this subdivision, does not include a possession of the United States or an agency or instrumentality of a possession.

(ii) In the case of gifts made on or after January 1, 1967, a debt obligation, including a bank deposit, not deemed under subdivision (i) of this subparagraph to be situated within the United

States, constitutes property situated outside the United States.

(iii) In the case of gifts made before January 1, 1967, a debt obligation the written evidence of which is treated as being the property itself constitutes property situated within the United States if the written evidence of the obligation is physically located in the United States at the time of the transfer, irrespective of who is the primary obligor on the debt. If the written evidence of the obligation is physically located outside the United States, the debt obligation constitutes property situated outside the United States.

(iv) Currency is not a debt obligation for purposes of this subparagraph.

[FR Doc.72-22293 Filed 12-29-72;8:45 am]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

### [ 43 CFR Parts 3000, 3040, 3100, 3200, 3210, 3220, 3230, 3240 ]

### GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

### Notice of Time Extension for Comments on Proposed Rule Making

The time within which written comments on the proposed rule making to implement the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566), published in the FEDERAL REGISTER, Volume 37, Number 230, Parts II and III, November 29, 1972, is hereby extended from December 29, 1972, to January 15, 1973.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public an extended opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, at any time prior to the close of business, January 15, 1973.

Dated: December 27, 1972.

HOLLIS M. DOLE,
*Assistant Secretary of the Interior.*

[FR Doc.72-22435 Filed 12-29-72;8:45 am]

## Geological Survey

### [ 30 CFR Parts 270, 271 ]

### GEOTHERMAL RESOURCES LEASING AND OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

### Notice of Time Extension for Comments on Proposed Rule Making

CROSS REFERENCE: For a document extending time for comments on the proposed rule making issued by the Bureau of Land Management and the Geological Survey, Department of the Interior, concerning geothermal resources leasing and operations on public, acquired, and withdrawn lands, published on November 29, 1972 (37 F.R. 25282, 25300), see F.R. Doc. 72-22435, *supra*.

# FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 73 ]

[Docket No. 19622; FCC 72-1116]

### PRIME TIME ACCESS RULE

### Order Extending Time To File Comments

In the matter of consideration of the operation of, and possible changes in, the "prime time access rule," § 73.658(k) of the Commission's rules (petitions of National Broadcasting Co., Inc., Midland Television Corp., Kingstip Communications, Inc., and MCA, Inc.), Docket No. 19622, RM-1967, RM-1935, RM-1940, RM-1929.

1. In the notice of proposed rule making and notice of inquiry instituting this proceeding (FCC 72-957, issued October 26, 1972), the dates for comments and reply comments were set as December 22, 1972, and January 29, 1973, respectively. On December 6, 1972, the Commission received a letter request for an extension of the first date to January 12, 1973, filed by Paul Dobin, Esq., on behalf of the licensee of station WVEC-TV, Hampton, Va. Mr. Dobin states that the notice asks for material which requires the personal attention of the licensee and its officials, rather than counsel only, and that the busy holiday season prevents the preparation of meaningful comments by the licensee (and likely other licensees wishing to file comments) by the date presently set. It is also stated that this licensee has another problem in that it must also prepare a reply concerning employment practices in connection with its license renewal.

2. There is also to be considered the fact that some data, which may be relied on by parties in the proceeding, will not be completely available until the end of December. This is American Research Bureau (ARB) audience survey data for the November rating period, which gives both audience rating figures and the programs presented during prime time by stations. In view of both of these considerations, it is appropriate to extend the time for filing comments herein, to January 15, 1973. It is also appropriate to extend the time for reply comments, now due January 29, 1973.

3. In view of the foregoing: *It is ordered*, That the time for filing comments and reply comments in this proceeding, Docket 19622, is extended, to and including January 15, 1973, and February 12, 1973, respectively.

Adopted: December 14, 1972.

Released: December 18, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
*Secretary.*

[FR Doc.72-22431 Filed 12-29-72;8:46 am]

# Notices

## DEPARTMENT OF STATE

[Public Notice CM-2]

### GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

#### Notice of Public Meeting

The Government Advisory Committee on International Book and Library Programs will hold its next quarterly meeting in Washington on January 11 and 12. The meetings will be held at 1717 H Street NW., Room 634, 9:30 a.m. to 4:30 p.m. on the 11th and 9:30 a.m. to 12 on the 12th. The agenda will include, among other topics, a review of International Book Year activities to date; and a discussion of AID educational programs, with special emphasis on the use of the media. The Committee will meet in open session.

Dated: December 26, 1972.

MARGARET G. TWYMAN,
*Acting Executive Secretary.*

[FR Doc.72-22433 Filed 12-29-72;8:46 am]

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1972 Rev., Supp. No. 10]

### EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY

#### Change of Name to Commercial Union Insurance Company

Employers Commercial Union Insurance Company, a Massachusetts corporation, has arranged to change its name to Commercial Union Insurance Company, effective January 1, 1973. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds, dated January 1, 1973, has been issued by the Secretary of the Treasury to the Commercial Union Insurance Company, Boston, Massachusetts, under sections 6 to 13 of Title 6 of the United States Code, to replace the Certificate issued July 1, 1972 to the Company under its former name, Employers Commercial Union Insurance Company (37 F.R. 13595, July 11, 1972). The underwriting limitation of $22,839,000 previously established for the Company remains unchanged.

The change in name of Employers Commercial Union Insurance Company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: December 26, 1972.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[FR Doc.72-22409 Filed 12-29-72;8:48 am]

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### Office of the Secretary

### MANUAL HOISTS FROM LUXEMBOURG

#### Determination of Sales at Less Than Fair Value

Information was received on February 2, 1972, that manual hoists from Luxembourg were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of September 30, 1972 (37 F.R. 20580).

I hereby determine that for the reasons stated below, manual hoists from Luxembourg are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the act (19 U.S.C. 160(a)).

*Statement of Reasons on Which This Determination Is Based.* The information before the Bureau reveals that the proper basis of comparison for fair value is between exporter's sales price and the adjusted third-country price of such or similar merchandise.

Exporter's sales price was calculated by deducting from the resale price of the related firm to purchasers in the United States, U.S. inland freight, U.S. Customs duty, ocean freight, insurance, and inland freight from the factory. In addition, deductions were made, as appropriate, for broker's fees, discounts and selling expenses.

Third-country prices were calculated on the basis of the f.o.b. delivered price, with deductions for inland freight charges, discounts, royalties, and selling expenses. Adjustments were made for differences in packing, credit costs, and merchandise.

Using the above criteria, exporter's sales price was found to be lower than the adjusted third-country price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
*Assistant Secretary of the Treasury.*

[FR Doc.72-22267 Filed 12-29-72;8:46 am]

## DEPARTMENT OF JUSTICE

### Bureau of Narcotics and Dangerous Drugs

[Docket No. 73-1]

### MARY T. BEAMAN

#### Notice of Hearing

Notice is hereby given that on November 8, 1972, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Mary T. Beaman, M.D., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AB3878848 issued to her pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said order to show cause was received by Dr. Mary T. Beaman, and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on January 5, 1973, in Room 812 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, DC 20537.

Dated: December 22, 1972.

JOHN E. INGERSOLL,
*Director, Bureau of Narcotics, and Dangerous Drugs.*

[FR Doc.72-22440 Filed 12-29-72;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Forest Service

### WILD FREE-ROAMING HORSES AND BURROS

#### Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Secretary

of Agriculture's proposed regulation relating to the protection, management, and control of wild free-roaming horses and burros USDA–FS–DES(Adm) 73–40.

The statement concerns a proposed addition to the Code of Federal Regulations (36 CFR Part 321.11). This addition would provide specific implementation of the Wild Free-Roaming Horses and Burros Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331–1340), on lands administered by the Secretary of Agriculture through the Forest Service.

This draft environmental statement was filed with the Council on Environmental Quality on December 21, 1972.

Copies are available for inspection during regular working hours at all national forest supervisor's offices in the States of Arizona, New Mexico, California, Nevada, Utah, Montana, Oregon, Washington, Idaho, Colorado, and Wyoming and at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 14th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.
USDA, Forest Service, Rocky Mountain Region, Federal Center, Building 85, Denver, Colo. 80225.
USDA Forest Service, Southwestern Region, Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.
USDA, Forest Service, Intermountain Region, Federal Building, 324 25th Street, Ogden, UT 84401.
USDA, Forest Service, California Region, 630 Sansome Street, San Francisco, CA 94111.
USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

A limited number of single copies are available upon request to USDA, Forest Service, Division of Range Management, Room 610, 1621 North Kent Street, Arlington, VA 22209.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250. Comments must be received within 45 days in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
*Acting Deputy Chief, Forest Service.*

DECEMBER 26, 1972.

[FR Doc.72-22412 Filed 12-29-72;8:48 am]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## ADVISORY COMMITTEES

### Notice of Public Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770–776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the Act:

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| FDA/NIMH Drug Abuse Advisory Committee. | Jan. 8, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open 9 a.m. to 11 a.m. Closed after 11 a.m. Monique C. Braude, Ph. D., Room 13-05, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-3917. |

*Purpose.* Advises FDA on action to be taken on Notices of Claimed Investigational New Drugs for substances with abuse potential; advises NIMH on supplies of substances for clinical studies, on quantities of substances for studies, and on requests for any amount of substances which involve protocols containing unique problems.

*Agenda.* Minutes of last meeting, 1-*alpha*-acetyl methadol guidelines. Veterans' Administration collaboration studies, evaluation of metholology regarding abuse liability of drugs, proposed rule changes of Bureau of Narcotics and Dangerous Drugs in the FEDERAL REGISTER, Narcotic Antagonist Conference, and review of research protocols. That portion of meeting dealing with review of research protocols will be closed.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| Endocrinology and Metabolism Advisory Committee. | Jan. 9, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open 9 a.m. to 11 a.m. Closed after 11 a.m. Martha Freeman, M.D., Room 14B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-3650. |

*Purpose.* Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of endocrine and metabolic disorders.

*Agenda.* Lactic acidosis relative to phenformin therapy; long-acting parenteral glucocorticoid preparations. Closed portion of meeting will include discussion of confidential information and formulation of recommendations.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| National Advisory Veterinary Medicine Committee. | Jan. 15 and 16, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open Jan. 15. Open Jan. 16, 9 a.m. to 11 a.m., closed Jan. 16 after 11 a.m. Kenneth Taylor, D.V.M., Room 7-79, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-2605. |

*Purpose.* Advises the Commissioner of Food and Drugs on policy matters of national significance relating to assuring safety and efficacy of drugs, medical feeds, and food additives used in veterinary medicine and animal production; labeling and wholesomeness of animal foods; animal nutrition; and safety of food from animals that have been treated with drugs.

*Agenda.* Orientation of members, presentation on structure and responsibilities of FDA, and discussion of critical issues and policy questions. Closed portion of meeting will include discussion of confidential information and formulation of recommendations.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| Panel on Review of Internal Analgesics. | Jan. 22 and 23, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open Jan. 22, 9 a.m. to 10 a.m. Closed Jan. 22 after 10 a.m. Closed Jan. 23, Leo Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-4.60. |

*Purpose.* Reviews and evaluates available information concerning safety and effectiveness of active ingredients in currently marketed nonprescription internal analgesic drug products.

*Agenda.* Continuing review of over-the-counter internal analgesic agents under investigation. Meeting will include discussion of confidential information and formulation of recommendations.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| Dental Drug Products Advisory Committee. | Jan. 23, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open 9 a.m. to 10 a.m. Closed after 10 a.m. Clarence Gilkey, D.D.S., Room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-3500. |

*Purpose.* Advises the Commissioner of Food and Drugs on safety and effectiveness of drugs used in the practice of dentistry.

*Agenda.* Orientation of members; topical fluoride solutions, pastes, and gels;

and clinical guidelines for investigation of dental products. Closed portion of meeting will include discussion of confidential material and formulation of recommendations.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| Panel on Review of Cough, Cold, Allergy, Bronchodilator, and Antiasthmatic Agents. | Jan. 23-25, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open Jan. 23, 9 a.m. to 10 a.m. Closed Jan. 24 and 25, Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-4960. |

*Purpose.* Reviews and evaluates available information concerning safety and effectiveness of active ingredients in currently marketed nonprescription drugs containing cough, cold, allergy, bronchodilator, and antiasthmatic agents.

*Agenda.* Continuing review of over-the-counter drug products under investigation. Meeting will include discussion of confidential information and formulation of recommendations.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| Panel on Review of Orthopaedic Medical Devices. | Jan. 29, 9 a.m., Las Vegas Hilton, Las Vegas, Nev. | Open Jan. 29, 9 a.m. to 10 a.m. Closed after 10 a.m., David M. Link, Room 212B, 1901 Chapman Ave., Rockville, Md. 20852, 301—443-1743. |

*Purpose.* Reviews and evaluates available information concerning safety, effectiveness, and reliability of orthopedic medical devices currently in use.

*Agenda.* Continuing review of orthopedic medical devices under investigation. Meeting will include discussion of confidential information and formulation of recommendations.

| Committee name | Date/time/place | Type of meeting and contact person |
|---|---|---|
| Panel on Review of Sedative, Tranquilizer, and Sleep Aid Agents. | Jan. 29 and 30, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. | Open Jan. 29, 9 a.m. to 10 a.m. Closed Jan. 29 after 10 a.m. Closed Jan. 30, Michael Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301—443-4960 |

*Purpose.* Reviews and evaluates available information concerning safety and effectiveness of active ingredients in currently marketed nonprescription drugs containing sedative, tranquilizer, and sleep aid agents.

*Agenda.* Continuing review of over-the-counter drug products under investigation. Meeting will include discussion of confidential information and formulation of recommendations.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act and the Secretary's notice of determination of September 27, 1972, published in the FEDERAL REGISTER of October 5, 1972 (37 F.R. 20995).

Dated: December 27, 1972.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner for Compliance.*

[FR Doc.72-22441 Filed 12-29-72;8:46 am]

## Social and Rehabilitation Service

## FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES

### Promulgation for Fiscal Years 1973 and 1974; Correction

In the document published at 37 F.R. 26748, December 15, 1972, the amounts promulgated for the States of Idaho and Illinois were incorrect and the State of Indiana was inadvertently omitted. Accordingly, the promulgation contained in such document is rescinded and the promulgation, as correction, is set forth below in its entirety.

Promulgation of Federal allotment for purposes of grants to States under titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act, in accordance with section 1130(a) of such Act, 42 U.S.C. 1320b(a) (as added by section 301(a) of Public Law 92-512 86 Stat. 945), which provides for limitation on grants under such titles for certain social services expenditures under public assistance programs made after June 30, 1972.

Pursuant to section 1130(b) of the Social Security Act (42 U.S.C. 1320b(b), which provides that the Federal allotment shall be determined and promulgated in accordance with said section, and it having been determined that the Bureau of the Census population statistics contained in its publication "Current Population Reports" (series P-25, No. 488, September 1972) are the most recent satisfactory data available from the Department of Commerce at this time as to the population of each State and of all of the States, it is hereby promulgated, for purposes of grants for social services under public assistance programs, that the Federal allotment to each of the 50 States and the District of Columbia for each of the fiscal years ending June 30, 1973, and June 30, 1974, as determined pursuant to such Acts and on the basis of said population data, shall be as set forth below:

FEDERAL ALLOTMENT FOR FISCAL YEARS 1973 AND 1974

| | |
|---|---|
| Total | $2,500,000,000 |
| Alabama | 42,140,000 |
| Alaska | 3,001,750 |
| Arizona | 23,361,250 |
| Arkansas | 23,747,250 |
| California | 245,733,250 |
| Colorado | 28,297,500 |
| Connecticut | 37,001,750 |
| Delaware | 6,783,250 |
| District of Columbia | 8,980,250 |
| Florida | 87,149,500 |
| Georgia | 56,667,000 |
| Hawaii | 9,712,500 |
| Idaho | 9,076,250 |
| Illinois | 135,076,500 |
| Indiana | 63,522,250 |
| Iowa | 34,612,500 |
| Kansas | 27,100,000 |
| Kentucky | 39,607,000 |
| Louisiana | 44,661,250 |
| Maine | 12,354,000 |
| Maryland | 48,695,250 |
| Massachusetts | 69,477,000 |
| Michigan | 109,036,000 |
| Minnesota | 46,774,250 |
| Mississippi | 27,169,000 |
| Missouri | 57,063,250 |
| Montana | 8,632,000 |
| Nebraska | 18,308,750 |
| Nevada | 6,327,000 |
| New Hampshire | 9,250,500 |
| New Jersey | 88,446,250 |
| New Mexico | 12,786,000 |
| New York | 220,497,250 |
| North Carolina | 62,597,750 |
| North Dakota | 7,587,500 |
| Ohio | 120,457,750 |
| Oklahoma | 31,623,000 |
| Oregon | 26,196,500 |
| Pennsylvania | 143,180,250 |
| Rhode Island | 11,621,500 |
| South Carolina | 31,995,250 |
| South Dakota | 8,152,000 |
| Tennessee | 48,395,000 |
| Texas | 130,854,750 |
| Utah | 13,518,500 |
| Vermont | 5,540,750 |
| Virginia | 57,195,250 |
| Washington | 41,335,750 |
| West Virginia | 21,382,250 |
| Wisconsin | 54,265,750 |
| Wyoming | 4,142,000 |

NOTE: With respect to fiscal year 1973 only, each allotment set forth above will be adjusted as provided in section 403 of Public Law 92-603, 86 Stat. 1487, so that the State, for the first quarter of Fiscal Year 1973, will receive Federal grants in amounts determined under applicable provisions of the Social Security Act (without regard to section 1130 thereof), but not to exceed $50,000,000. In no case will a State receive less than the allotment set forth above.

Dated: December 26, 1972.

JOHN D. TWINAME,
*Administrator, Social and Rehabilitation Service.*

[FR Doc.72-22408 Filed 12-29-72;8:48 am]

# ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-245 and 50-336]

## MILLSTONE POINT CO.

### Notice of Availability of Applicant's Environmental Report, Supplemental Environmental Reports, and AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations set forth in Appendix D to 10 CFR Part 50, notice is hereby given that documents entitled "Applicant's Environmental Report and Amendment 1 to Environmental Report" (collectively known as the "reports"), submitted by the Millstone Point Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in Waterford Public Library, Rope Ferry Road, Route 156, Waterford, CT. The reports are also available at the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, CT and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, CT 06360.

Notice of availability of the applicant's Environmental Report was published in the FEDERAL REGISTER on September 23, 1972 (37 F.R. 20087).

The reports have been analyzed by the Commission's Directorate of Licensing, and a draft environmental statement related to the proposed issuance of operating licenses for the Millstone Nuclear Power Station Units 1 and 2, located in the town of Waterford, Conn., has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to CFR Part 50, interested persons may, within forty five (45) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the report and supplements, on the draft environmental statement, and on the proposed action. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, this will be made available for public inspection at the above designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 26th day of December 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
*Assistant Director for Environmental Projects, Directorate of Licensing.*

[FR Doc.72-22407 Filed 12-29-72;8:48 am]

# COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

## COTTON, WOOL AND MANMADE FIBER TEXTILES AND TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

### Entry or Withdrawal From Warehouse for Consumption

DECEMBER 21, 1972.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 F.R. 10606) a letter dated May 19, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and manmade fiber textiles and textile products produced or manufactured in the Republic of Korea and exported from the Republic of Korea thirty (30) days following publication for which the Republic of Korea had not issued a visa. One of the visa requirements is that the visa include the signature of one of five Korean officials authorized to issue a visa. The Government of the Republic of Korea has requested, and the Government of the United States has acceded to the request, that Mr. Yeong-Jong Yoon be authorized to issue visas, replacing Mr. Young-Taik Kim.

Accordingly, there is published below a letter of December 21, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending, effective as soon as possible, the directive of May 19, 1972 so as to make the change in signatures of officials authorized to issue visas. A facsimile of Mr. Yoon's signature is published as an enclosure to that letter.

STANLEY NEHMER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20226.*

DECEMBER 21, 1972.

DEAR MR. COMMISSIONER: This letter amends the directive of May 19, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-64; wool textile products in Categories 101-126, 123, and 131-132; and man-made fiber textile products in Categories 200-243 produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. One of the visa requirements is that the visa include the signature of one of five Korean officials authorized to issue visas.

Under the provisions of the Cotton Textile Agreement of December 30, 1971, and the Wool and Man-Made Fiber agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 19, 1972, is amended, effective as soon as possible, to authorize Mr. Yeong-Jong Yoon to issue visas, replacing Mr. Young-Taik Kim. A facsimile of Mr. Yoon's signature is enclosed.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
*Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary and Director, Bureau of Resources and Trade Assistance.*


[FR Doc.72-22339 Filed 12-28-72;8:47 am]

# ENVIRONMENTAL PROTECTION AGENCY

## NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Air Pollution Manpower Development Advisory Committee will be held at 8 p.m., January 4, 1973, in the Shamrock Hilton Hotel at 6900 Main Street at Holcomb Avenue, Houston, TX; and on January 5 and 6 at 9 a.m., in Sexton Hall, Rice University, Houston, Tex.

The evening meeting will be an organizational meeting and will introduce the committee members to new members of EPA staff and to discuss items on the agenda in general. On January 5 and 6, the Committee will review training grant and fellowship applications and discuss the subcommittee activities in speciality areas—training in planning, environmental law, and environmental economics; and review the cooperative program between the University of Houston and the University of Texas.

The meeting will be open to the public. Any members of the public wishing to participate or present a paper should contact Mr. Ron E. Townshend, Acting Director, Manpower Development Staff, Stationary Source Pollution Control Programs, Office of Air and Water Programs, Environmental Protection Agency, Research Triangle Park, N.C. 27711. The telephone number is area code 919—549-2492.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

DECEMBER 27, 1972.

[FR Doc.72-22442; Filed 12-29-72;8:48 am]

## NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

### Notice of Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee will be held at 9 a.m. on January 18, 1973, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, VA.

The purpose of the meeting will be to consult the Committee regarding the determination and documentation of adverse effects on the public health and welfare of the following atmospheric pollutants: (1) Suspended sulfates and sulfuric acid aerosols, and (2) particulate polycyclic organic matter.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, National Environmental Research Center, RTP, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

The telephone number is area code 919—549-2266.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

DECEMBER 27, 1972.

[FR Doc.72-22432 Filed 12-29-72;8:45 am]

# FEDERAL MARITIME COMMISSION

## COMPAGNIE GENERALE TRANSATLANTIQUE (FRENCH LINE)

### Order of Revocation

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-7 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,022.

Whereas, Compagnie Generale Transatlantique (French Line) has ceased to operate the passenger vessel *Antilles*.

*It is ordered,* That Certificate (Performance) No. P-7 and Certificate (Casualty) No. C-1,022 covering the *Antilles* be and are hereby revoked effective December 20, 1972.

*It is further ordered,* That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.72-22415 Filed 12-29-72;8:46 am]

## GULF-CARIBBEAN NAVIGATION CO., INC., ET AL.

### Notice of Tariff Cancellation

By notice published in the FEDERAL REGISTER on October 25, 1972 (37 F.R. 22819), the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

Gulf-Caribbean Navigation Co., Inc., Gulf-Caribbean Lines, Van Oosten & Co., Shipping, Ltd., Agents, 420 Gravier Building, New Orleans, La. 70130.

Gulf Alaska Shipping Corp., 610 Bank of the Southwest Building, Houston, Tex. 77002.

Herman Herrmann Lighterage & Towing, Post Office Box 104, Naknek, AK 99633.

Atlantic & Caribbean Barge Lines, Inc., Griffiths Shipping Corp., Agents, 2721 South Bayshore Drive, Miami FL 33133.

Accordingly, pursuant to authority delegated by § 7.15 of Commission Order No. 1 (revised) dated May 1, 1972, the tariffs of the above named carriers were canceled on December 20, 1972.

AARON W. REESE,
*Managing Director.*

[FR Doc.72-22414 Filed 12-29-72;8:46 am]

# FEDERAL POWER COMMISSION

[Docket No. E-7831]

## FLORIDA POWER & LIGHT CO.

### Notice of Initial Rate Filing

DECEMBER 22, 1972.

Take notice that Florida Power & Light Co. (Florida Power) on August 10, 1972, as supplemented on October 6, 1972, tendered for filing as initial rate schedules copies of letter agreements with the cities of Homestead and New Smyrna Beach, Fla. The agreement between the city of New Smyrna Beach and Florida Power, dated July 14, 1972, is designated as FPC Electric Rate Schedule No. 8. The agreement between the city of Homestead and Florida Power, dated August 7, 1972, is designated as FPC Electric Rate Schedule No. 9.

Florida Power states that this filing results from the Fifth Circuit Court of Appeals Orders on Remand issued as Mandate on April 21, 1972, which had the effect of affirming the Commission's opinions and orders issued March 20, 1967, and May 2, 1969, in FPC Docket No. E-7210 and therefore requests that the agreements be accepted for filing to become effective on April 21, 1972.

Copies of these agreements were served on the respective cities.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.72-22416 Filed 12-29-72;8:46 am]

[Docket No. RP72-118]

## MICHIGAN WISCONSIN PIPE LINE CO.

### Notice of Certification of Settlement Agreement

DECEMBER 22, 1972.

Take notice that on December 7, 1972, presiding Administrative Law Judge Southworth certified to the Commission a proposed settlement agreement in this proceeding, together with the record of the hearing related thereto. By supplemental certification on December 14, 1972, the presiding judge certified an errata volume of approved transcript corrections. The proposed settlement agreement would resolve all issues in this proceeding.

Any person wishing to do so may file comments with respect to the proposed settlement agreement on or before Jan-

uary 8, 1973. The proposed settlement agreement and related record are on file with the Commission and available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.72-22417 Filed 12-29-72;8:46 am]

[Docket No. E-7718]

## PENNSYLVANIA ELECTRIC CO.

### Notice of Settlement Agreement

DECEMBER 22, 1972.

Take notice that a settlement agreement has been filed with the Commission in Docket No. E-7718. Parties are Allegheny Electric Cooperative, Inc. (Allegheny), a cooperative corporation and Pennsylvania Electric Co. (Penelec), a corporation, both organized and existing under the laws of the Commonwealth of Pennsylvania.

Under the terms of the settlement, Penelec and Allegheny agree that their existing contract shall be superseded by a new contract upon the Commission's approval of this agreement. The original agreement is entitled "Wheeling and Supplemental Power Agreement" dated July 22, 1965, and amended on September 1, 1972.

The new contract continues in effect the existing rates for wheeling of Allegheny's present 100,000 kw. PANSY purchase and for supplemental power service through November 9, 1973, and provides increased rates for wheeling and supplemental power service subsequent to that date. The new rates are not to be modified prior to May 10, 1975. Penelec agrees to wheel power from Allegheny's proposed additional 30,000 kw. PANSY purchase. The wheeling of power from such additional purchase is to be at the new wheeling rate, even if the service commences prior to November 10, 1973. Penelec agrees to withdraw its request for a section 206 investigation of the existing supplemental power rate and has requested termination of this proceeding.

This settlement agreement has been certified to the Commission.

Any person desiring to be heard or to make any protest with reference to said application, should, on or before January 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.72-22418 Filed 12-29-72;8:46 am]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

## MERIDIAN FAST FOOD SERVICES, INC.

### Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 22, 1972, through December 31, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22424 Filed 12-29-72;8:47 am]

[File No. 500-1]

## MONARCH GENERAL, INC.

### Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Monarch General, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 22, 1972, through December 31, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22424 Filed 12-29-72;8:47 am]

[File No. 500-1]

## POWER CONVERSION, INC.

### Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Power Conversion, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 25, 1972, through January 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22425 Filed 12-23-72;8:47 am]

[File No. 500-1]

## TIDAL MARINE INTERNATIONAL CORP.

### Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of Tidal Marine International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 23, 1972, through January 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22426 Filed 12-23-72;8:47 am]

[File No. 500-1]

## TOPPER CORP.

### Order Suspending Trading

DECEMBER 21, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Topper Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 25, 1972, through January 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22427 Filed 12-23-72;8:47 am]

[File No. 500-1]

## TRIEX INTERNATIONAL CORP.

### Order Suspending Trading

DECEMBER 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 25, 1972, through January 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22428 Filed 12-29-72;8:47 am]

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[File No. 500-1]

## U. S. FINANCIAL INC.

### Order Suspending Trading

DECEMBER 21, 1972.

The common stock, $2.50 par value, of U. S. Financial Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U. S. Financial Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from December 25, 1972, through January 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
*Secretary.*

[FR Doc.72-22429 Filed 12-29-72;8:47 am]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 939]

## PENNSYLVANIA

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1972, because of the effects of excessive rainfall and flooding, damage resulted to property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to Indiana County, Pa., suffered damage or destruction resulting from excessive rainfall and flooding on September 13 and 14, 1972.

Office: Small Business Administration District Office, 1000 Liberty Avenue, Pittsburgh, PA 15222.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1972.

Dated: September 15, 1972.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.72-22419 Filed 12-29-72;8:46 am]

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[Declaration of Disaster Loan Area 936]

## RHODE ISLAND

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August 1972, because of fire, damage resulted to property located in the State of Rhode Island;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636 (b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to downtown West Warwick, Kent County, R.I., suffered damage or destruction resulting from fire occurring on August 20, 1972.

Office: Small Business Administration District Office, 57 Eddy Street, Providence, RI 02903.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1972.

Dated: September 14, 1972.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.72-22420 Filed 12-29-72;8:46 am]

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[Declaration of Disaster Loan Area 951]

## WISCONSIN

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of September 1972, because of the effects of heavy rainfall and flooding, damage resulted to property located in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act (15 U.S.C. 636 (b)) as amended, may be received and considered by the office below indicated from persons or firms whose property situated in or adjacent to Milwaukee and Waukesha Counties, Wis., suffered damage or destruction resulting from heavy rainfall and flooding from September 17 through 20, 1972.

Office: Small Business Administration Branch Office, 735 West Wisconsin Avenue, Milwaukee, WI 53233.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1973.

Dated: October 26, 1972.

THOMAS S. KLEPPE,
*Administrator.*

[FR Doc.72-22421 Filed 12-29-72;8:46 am]

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